

City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069



Meeting Agenda

Tuesday, February 11, 2025

6:30 PM

DIRECTOR OF PARKS AND RECREATION

City Council, Norman Utilities Authority, Norman Municipal
Authority, and Norman Tax Increment Finance Authority

City Council

*Austin Ball, Ward 1, Matthew Peacock, Ward 2, Bree Montoya, Ward 3,
Helen Grant Ward 4, Michael Nash, Ward 5, Joshua Hinkle, Ward 6,
Stephen Tyler Holman, Ward 7, Scott Dixon, Ward 8, Mayor Larry Heikkila.*



CITY OF NORMAN, OK CITY COUNCIL REGULAR MEETING

**Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Tuesday, February 11, 2025 at 6:30 PM**

AGENDA

It is the policy of the City of Norman that no person or groups of persons shall on the grounds of race, color, religion, ancestry, national origin, age, place of birth, sex, sexual orientation, gender identity or expression, familial status, marital status, including marriage to a person of the same sex, disability, relation, or genetic information, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in employment activities or in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. In the event of any comments, complaints, modifications, accommodations, alternative formats, and auxiliary aids and services regarding accessibility or inclusion, please call 405-366-5424, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

CITY COUNCIL, NORMAN UTILITIES AUTHORITY, NORMAN MUNICIPAL AUTHORITY, AND NORMAN TAX INCREMENT FINANCE AUTHORITY

You are required to sign up in advance of the meeting on the City's webpage, by calling the City Clerk's Office (405-366-5406), or at the Council Chambers prior to the start of the meeting with your name, ward, and item you wish to speak to including whether you are a proponent or opponent. When the time comes for public comments, the Clerk will call your name and you can make your way to the podium. Comments may be limited on items of higher interest, if so, the Mayor will announce that at the beginning of the meeting. Participants may speak one time only up to 3 minutes per person per item. There will be no yielding of time to another person. Sign up does not guarantee you will get to speak if the allotted time for that item has already been exhausted. If there is time remaining after those registered to speak have spoken, persons not previously signed up may have the opportunity to speak. Comments received must be limited to the motion on the floor only.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

AWARDS AND PRESENTATIONS

- 1. PRESENTATION OF AWARDS FROM THE OKLAHOMA MUNICIPAL LEAGUE TO THE FOLLOWING CITY OF NORMAN EMPLOYEES WHO HAVE COMPLETED 25 YEARS OF CONTINUOUS SERVICE:**

1. JUSTIN BURRIGHT, FIREFIGHTER, FIRE DEPARTMENT
2. GARY DAVENPORT, BATTALION CHIEF, FIRE DEPARTMENT
3. BRIAN EDWARDS, DRIVER/ENGINEER, FIRE DEPARTMENT
4. DERRICK ENOS, DRIVER/ENGINEER, FIRE DEPARTMENT
5. DAVID FAUGHT, FIREFIGHTER, FIRE DEPARTMENT
6. JACK INGRAM, CAPTAIN, FIRE DEPARTMENT
7. BARRY MORING, CAPTAIN, FIRE DEPARTMENT
8. CHARLES LITTLETON, DRIVER/ENGINEER, FIRE DEPARTMENT
9. GREGORY SKELLY, ASSISTANT CHIEF, FIRE DEPARTMENT
10. MICHAEL BUSSELL, ASSISTANT CHIEF, FIRE DEPARTMENT
11. CRAIG ROBERTS, CAPTAIN, FIRE DEPARTMENT
12. RANDALL CARY, CAPTAIN, FIRE DEPARTMENT
13. RICK HOFFSTATTER, GIS ANALYST PLANNING
14. JAN JANSING, HOUSING REHABILITATION TECHNICIAN, PLANNING
15. LARRY ANDERSON, SERGEANT, POLICE DEPARTMENT
16. CURTIS GARRETT, SERGEANT, POLICE DEPARTMENT
17. SHAWN HAWKINS, CAPTAIN, POLICE DEPARTMENT
18. JUSTIN WISHON, LIEUTENANT, POLICE DEPARTMENT
19. BLAS FLORES, SERGEANT, POLICE DEPARTMENT
20. TROY ADAMS, HEAVY EQUIPMENT OPERATOR, PUBLIC WORKS
21. KEVIN DEAYER, MECHANIC II, PUBLIC WORKS
22. TOMMY HENDON, TRAFFIC TECHNICIAN, PUBLIC WORKS
23. JERRY JENNINGS, STORMWATER CREW CHIEF, PUBLIC WORKS
24. OTIS OLIPHANT, STREETS CREW CHIEF, PUBLIC WORKS
25. ALLEN SHELTON, HEAVY EQUIPMENT OPERATOR, PUBLIC WORKS
26. CHRISTOPHER WHITAKER, TRAFFIC CREW CHIEF, PUBLIC WORKS
27. JERRY TARVER, MAINTENANCE WORKER II, PUBLIC WORKS
28. HANS OSGOOD, STORMWATER SUPERVISOR, PUBLIC WORKS
29. ROBERT STROMAN, HEAVY EQUIPMENT OPERATOR, UTILITIES
30. DANIEL HAYNES, CONTAINER PROGRAM TECHNICIAN, UTILITIES
31. TIM WOOLINGTON, CREW CHIEF, UTILITIES
32. JERRY RATHER, HEAVY EQUIPMENT OPERATOR, UTILITIES

COUNCIL ANNOUNCEMENTS

CONSENT DOCKET

This item is placed on the agenda so that the City Council, by unanimous consent, can designate those routine agenda items that they wish to be approved or acknowledged by one motion. If any item proposed does not meet with approval of all Councilmembers, that item will be heard in regular order. Staff recommends that Item 2 through Item 20 be placed on the consent docket.

APPROVAL OF MINUTES

2. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE MINUTES AS FOLLOWS:

CITY COUNCIL SPECIAL MEETING MINUTES OF FEBRUARY 20, 2024.

CITY COUNCIL FINANCE COMMITTEE MEETING MINUTES OF JANUARY 16, 2025.

First Reading Ordinance

3. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2425-10 UPON FIRST READING BY TITLE:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING SECTION 36-567.1 ("RESTRICTIONS ON TOBACCO AND E-CIGARETTE RETAILERS") TO CHAPTER 36 ("ZONING ORDINANCE"); AND AMENDING SECTIONS 36-521 ("RO, RESIDENCE-OFFICE DISTRICT"), 36-524 ("C-1, LOCAL COMMERCIAL DISTRICT"), 36-526 ("TC, TOURIST COMMERCIAL DISTRICT"), 36-527 ("CR, RURAL COMMERCIAL DISTRICT"), AND 36-560 ("SPECIAL USES") TO CHAPTER 36 ("ZONING ORDINANCE") OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH RESTRICTIONS ON TOBACCO AND E-CIGARETTE RETAILERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.
4. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2425-11 UPON FIRST READING BY TITLE:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE TITLE OF ARTICLE V, CHAPTER 16; AMENDING SECTION 16-501 TO REFLECT CHANGES TO PURPOSE; AMENDING AND ADDING DEFINITIONS TO SECTION 16-502 FOR THE PURPOSES THEREOF; AMENDING SECTION 16-503 TO ADD PROHIBITED ACTIVITIES ON MUNICIPAL PROPERTY; MOVING SECTION 16-508 TO SECTION 16-504 AND THEREBY LEAVING SECTIONS 16-505 THROUGH 16-508 AS RESERVED FOR PURPOSES OF INTERNAL CODE CONSISTENCY; AND PROVIDING FOR THE SEVERABILITY THEREOF.
5. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2425-12 UPON FIRST READING BY TITLE:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE TITLE OF SECTION 24-311 OF CHAPTER 24; AMENDING DEFINITIONS FOR THE PURPOSES THEREOF; PROHIBITING THE FURNISHING OF TOBACCO, NICOTINE AND VAPOR PRODUCTS TO ANYONE UNDER THE AGE OF TWENTY-ONE, PROHIBITING THE POSSESSION OF TOBACCO, NICOTINE AND VAPOR PRODUCTS BY ANYONE UNDER THE AGE OF TWENTY-ONE, PROHIBITING THE DISPLAY OR SALE OF TOBACCO, NICOTINE OR VAPOR PRODUCTS WHERE SELF-ACCESSIBLE BY ANYONE UNDER THE AGE OF TWENTY-ONE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

6. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-13 UPON FIRST READING BY TITLE:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING ARTICLE 2-III, DIVISION 2-III-17 DUTIES AND POWERS OF THE ANIMAL WELFARE OVERSIGHT COMMISSION.
7. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-14 UPON FIRST READING BY TITLE:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE 2-III, DIVISION 2-III-1, SECTION 2-301 OF THE CODE OF THE CITY OF NORMAN INCREASING THE NUMBER OF PERSONS FOR THE BOARD OF ADJUSTMENT FROM FIVE TO SEVEN, AMENDING CITY PLANNING COMMISSION MEMBERSHIP TO REQUIRE A PERSON FROM EACH WARD AND ONE AT-LARGE PERSON, DECREASING THE TERMS OF PERSONS ON THE BOARD OF APPEALS FROM FOUR TO THREE YEAR TERMS, AND ADDING NORMAN ELECTION COMMISSION: SEVEN PERSONS WITH THREE-YEAR TERMS; AMENDING DIVISION 2-III-6, SECTION 3-216, ADDING OVERSIGHT OVER TREE PROTECTION TO THE BOARD OF PARK COMMISSIONERS AUTHORITY; REPEALING DIVISION 2-III-9, GREENBELT COMMISSION IN ITS ENTIRETY; REPEALING DIVISION 2-III-16, TREE BOARD IN ITS ENTIRETY; AMENDING ARTICLE 10-II, SECTION 10-201, NORMAN ELECTION COMMISSION, TO CHANGE A FIVE MEMBER COMMITTEE TO SEVEN; AND AMENDING ARTICLE 36-V-4, SECTION 36-570(A)(2) TO INCREASE THE CONCURRING VOTE REQUIRED FOR THE BOARD OF ADJUSTMENT FROM THREE TO FOUR MEMBERS.
8. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-23 UPON FIRST READING BY TITLE:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE 4-I, SECTION 4-101 ADDING DEFINITIONS FOR ABANDON, ANIMAL, COMMUNITY CAT, COMMUNITY CAT CAREGIVER, AND TRAP-NEUTER-RETURN (TNR) AND AMENDING DEFINITIONS FOR EXOTIC WILDLIFE AND NATIVE WILDLIFE; AMENDING ARTICLE 4-II, SECTION 4-202 AND 4-205 UPDATING LANGUAGE FOR ANIMAL WELFARE SUPERVISOR AND UPDATING LANGUAGE THROUGHOUT, FOR CONSISTENCY; DELETING SECTION 4-205(H) DUPLICATIVE LANGUAGE RELATED TO THE TNR PROGRAM; REPEALING SECTIONS 4-211 THROUGH 4-221 PET LICENSE REQUIRED; AMENDING ARTICLE 4-III, SECTION 4-301(D) ADDING ANIMALS VENOMOUS TO HUMAN BEINGS; AMENDING SECTION 4-301(E) REQUIRING ACCREDITATION ASSOCIATION OF ZOOS AND AQUARIUMS (AZA) OR ZOOLOGICAL ASSOCIATION OF AMERICA (ZAA) CERTIFIED FOR ZOOS; ADDING ARTICLE 4-V, SECTION 4-510 COMMUNITY CATS; AMENDING SECTION 4-501, ABANDONMENT OF CATS AND DOGS; AMENDING SECTION 503(C), CONFINEMENT OF DOGS AND CATS; ADDING SECTION 4-510, COMMUNITY CATS; AMENDING ARTICLE 4-VI, SECTION 4-601(A), CRUELTY TO ANIMALS; AND AMENDING SECTION 4-603, ANIMALS THAT ARE NUISANCES.

9. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-20 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE LOTS FORTY-FIVE (45) AND FORTY-SIX (46) IN BLOCK ONE (1) OF LARSH'S UNIVERSITY ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE CCFBC, CENTER CITY FORM-BASED CODE DISTRICT, URBAN GENERAL FRONTAGE, AND PLACE SAME IN THE CCPUD, CENTER CITY PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (428 BUCHANAN AVENUE)
10. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-21 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A CHURCH, TEMPLE, OR OTHER PLACE OF WORSHIP WITH A WAIVER OF SECTION 36-547(a)(4) PERTAINING TO EXTERIOR APPEARANCE IN THE R-1, SINGLE-FAMILY DWELLING DISTRICT FOR LOT ONE (1), IN BLOCK SEVENTEEN (17), OF HALL PARK FOURTH ADDITION OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1501 24TH AVE NE)
11. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-22 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE LOT ONE (1), IN BLOCK TWO (2), OF EAST LINDSEY PLAZA SECTION 5, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT, AND PLACE SAME IN THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1451 12TH AVENUE SOUTHEAST)

Request for Payment

12. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A COURT ORDER: A RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE TOTAL AMOUNT OF \$35,742 REGARDING JERRY WILSON VS. THE CITY OF NORMAN, OKLAHOMA WORKERS' COMPENSATION COMMISSION CASE 2024-04699 W.

Conveyance of Deed

13. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF THE CONVEYANCE OF TITLES FOR THE IRVING AND WHITTIER RECREATIONAL CENTERS FROM THE CITY OF NORMAN, OKLAHOMA, TO THE NORMAN PUBLIC SCHOOLS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE QUIT CLAIM DEEDS FOR SUCH PURPOSE AS OUTLINED IN THE STAFF REPORT.

Easement

14. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2425-12: A SANITARY SEWER EASEMENT DONATED BY THE OKLAHOMA ELECTRIC COOPERATIVE, SERVING 24TH AVENUE INDUSTRIAL PARK ADDITION, BLOCK 3, IN NORMAN, OKLAHOMA, AND DIRECTING THE FILING THEREOF.
15. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2425-13: A SANITARY SEWER EASEMENT DONATED BY THE BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA, SERVING BLOCK 14 OF THE FORMER NAVAL AIR TECHNICAL TRAINING CENTER (NATTC), IN NORMAN, OKLAHOMA, AND DIRECTING THE FILING THEREOF.

Encroachment

16. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONSENT TO ENCROACH EN-2324-6: FOR LOT 1B, BLOCK 8, WESTPORT PROFESSIONAL PARK, CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, FOR HYUNDIA OF NORMAN. (591 North Interstate Drive)

Contracts

17. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2425-94: A SERVICE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN AND NORMAN ARTS COUNCIL, FOR THE 2025 ARTFUL INLETS PROJECT.
18. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF AWARDDING A GRANT IN THE AMOUNT OF \$1,000,000 THROUGH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PATHWAYS TO REMOVING OBSTACLES TO HOUSING GRANT PROGRAM TO BE USED TO UPDATE VARIOUS PLANS, CODES, ORDINANCES AND STUDIES TO REMOVE BARRIERS TO AFFORDABLE HOUSING, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE CONTRACT K-2425-98 AND RELATED GRANT DOCUMENTS, AND APPROVE THE APPROPRIATION OF FUNDS AS OUTLINED IN THE STAFF REPORT.

19. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2425-38: A LEASE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN AND YOUNG FAMILY ATHLETIC CENTER, L.L.C., FOR THE TRAE YOUNG FAMILY FOUNDATION TO BE THE RETAIL PARTNER AND OPERATOR; AND ACCEPT THE IMPROVEMENTS, IN THE AMOUNT OF \$288,368.00, TO THE RETAIL SPACE INSIDE THE YFAC, 2201 TRAE YOUNG DRIVE, NORMAN, OKLAHOMA.

Resolutions

20. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2425-86: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$112,384 TO THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (O.D.O.T.) FOR CONSTRUCTION TO BEGIN ON THE NORMAN TRAFFIC MANAGEMENT CENTER PROJECT.

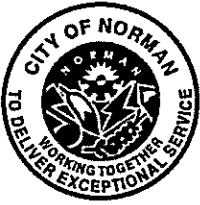
MISCELLANEOUS COMMENTS

This is an opportunity for citizens to address City Council. Due to Open Meeting Act regulations, Council is not able to participate in discussion during miscellaneous comments. Remarks should be directed to the Council as a whole and limited to three minutes or less.

ADJOURNMENT

File Attachments for Item:

13. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF THE CONVEYANCE OF TITLES FOR THE IRVING AND WHITTIER RECREATIONAL CENTERS FROM THE CITY OF NORMAN, OKLAHOMA, TO THE NORMAN PUBLIC SCHOOLS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE QUIT CLAIMS DEEDS FOR SUCH PURPOSE AS OUTLINED IN THE STAFF REPORT.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 02/11/2025

REQUESTER: City of Norman

PRESENTER: Rick Knighton, City Attorney

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF THE CONVEYANCE OF TITLES FOR THE IRVING AND WHITTIER RECREATIONAL CENTERS FROM THE CITY OF NORMAN, OKLAHOMA, TO THE NORMAN PUBLIC SCHOOLS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE QUIT CLAIMS DEEDS FOR SUCH PURPOSE AS OUTLINED IN THE STAFF REPORT.

BACKGROUND:

In 1974, the City of Norman submitted a measure to the voters requesting approval of General Obligation Bonds in the amount of \$750,000 to purchase land and construct, furnish, and equip recreational facilities. The voters approved the measure. In 1975, the City purchased 3.2 acres from the Norman Public School System (NPS) for \$150,000 and built recreational facilities at Irving Middle School, 125 Vicksburg Avenue, and Whittier Middle School, 2000 W. Brooks Street. The recreational facilities are entirely enclosed by NPS property.

Over the years, the City has used the recreational facilities for youth sports, after-school programs, and summer camps. NPS uses recreational facilities for assemblies, plays, performances, physical education, basketball games, and other school-related activities. In February 2024, the City began using the Young Family Athletic Center for its youth sports programs and abandoned the Irving and Whittier recreational facilities. The City's after-school programs and summer camps use only a small portion of the recreational facilities. If these facilities are transferred to NPS, it has agreed to allow the City to continue using them for its after-school program and summer camps for a nominal fee – e.g., one dollar (\$1.00) a year.

Because the recreational facilities are fully surrounded by NPS property and the middle schools can be accessed from the recreational facilities, the public cannot access these facilities during school hours. Additionally, since Oklahoma Human Services licenses the City's after-school program and summer camps, these facilities are limited to program participants and their parents or guardians during program hours. There are no hours when the recreational facilities are open to the general public for any purpose.

Recently, mold damage has been discovered at the Whittier recreational facility. The cost of mold remediation and roof repair may exceed the depreciated value of this facility. While it is

unclear if similar damage exists at the Irving recreational facility, the value of these facilities to the City is minimal, and their municipal use has been largely abandoned.

DISCUSSION:

Council discussed this proposed real estate transaction during a Study Session on January 7, 2025. The council expressed a desire to move forward with the transfer during its January discussion. This item authorizes the City Manager to execute a Quit Claim deed granting the Irving and Whittier recreational facilities to NPS.

RECOMMENDATION:

Staff recommends Council approve the conveyance of title for these properties from the City to Norman Public Schools and authorize the City Manager to execute a Quit Claim deed for such purpose.

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT the City of Norman, a Cleveland County, Oklahoma municipal corporation, in consideration of the sum of TEN DOLLARS (\$ 10.00), receipt of which is hereby acknowledged, and for and upon other good and valuable consideration does hereby quitclaim, grant, bargain, sell and convey unto Independent School District No. 29 of Cleveland County, Oklahoma all right, title, interest, estate, and every claim and demand, both at equity and at law, acquired by the City, and including all right, title and interest in and to the airspace, light and view above the surface of the lands herein described therein, to-wit:

A part of the Northeast Quarter of Section 33; T9N; R2W; of the Indian Meridian, more particularly described as follows:

Beginning at a point North 89° 49' 27" West a distance of 1276.15 feet and South 00° 06' 38" East a distance of 427.42 feet, from the Northeast Corner of the Northeast Quarter of Section 33; T9N; R2W; of the Indian Meridian, thence South 89° 49' 27" East a distance of 160.00 feet, thence South 00° 06' 38" East a distance of 250.00 feet, thence North 89° 49' 27" West a distance of 160.00 feet, Thence North 00° 06' 38" West a distance of 250 feet, to the point of beginning, containing .918 acres more or less,

together with all improvements thereon and the appurtenances thereunto belonging to the same.

To have and to hold said described premises unto said Independent School District No. 29, its heirs and assigns forever.

Signed and delivered this ____ day of _____, 2025.

City of Norman, a Cleveland County, Oklahoma Municipal Corporation by:

Darrel Pyle, City Manager
As authorized by the City of Norman City Council

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this ____ day of _____, 2025, personally appeared Darrel Pyle, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: _____ Notary Public: _____

Approved as to form and legality this ____ day of _____, 2025.

City Attorney

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT the City of Norman, a Cleveland County, Oklahoma municipal corporation, in consideration of the sum of TEN DOLLARS (\$10.00), receipt of which is hereby acknowledged, and for and upon other good and valuable consideration does hereby quitclaim, grant, bargain, sell and convey unto Independent School District No. I-29 of Cleveland County, Oklahoma, all right, title, interest, estate, and every claim and demand, both at equity and at law, acquired by the City, and including all right, title and interest in and to the airspace, light and view above the surface of the lands herein described therein, to-wit:

A part of the Southwest Quarter of Section 36; T9N; R3W; of the Indian Meridian more particularly described as follows:

Beginning at a point North 00° 13' 19" West a distance of 986.00 feet and South 89° 47' 23" West a distance of 684.00 feet, from the Southeast Corner of the Southwest Quarter of Section 36; T9N; R3W of the Indian Meridian, thence South 00° 13' 19" East a distance of 280.00 feet, thence South 89° 47' 23" West a distance of 250.00 feet, thence North 00° 13' 19" West a distance of 130.00 feet, thence North 89° 47' 23" East a distance of 47.00 feet, thence North 00° 13' 19" West a distance of 150.00 feet, thence North 89° 47' 23" East a distance of 203.00 feet, to the point of beginning, containing 1.446 acres more or less,

together with all improvements thereon and the appurtenances thereunto belonging to the same.

To have and to hold said described premises unto said Independent School District No. I-29, its heirs and assigns forever.

Signed and delivered this _____ day of _____, 2025.

City of Norman, a Cleveland County, Oklahoma Municipal Corporation by:

Darrel Pyle, City Manager
As authorized by the City of Norman City Council

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this _____ day of _____, 2025, personally appeared Darrel Pyle, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

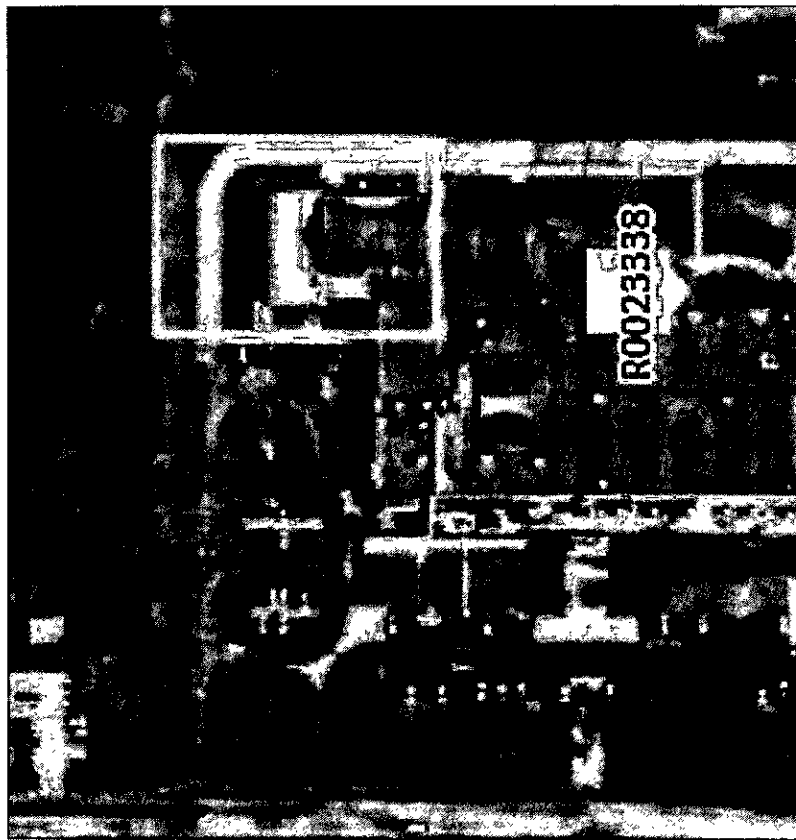
My Commission Expires: _____ Notary Public: _____

Approved as to form and legality this _____ day of _____, 2025.

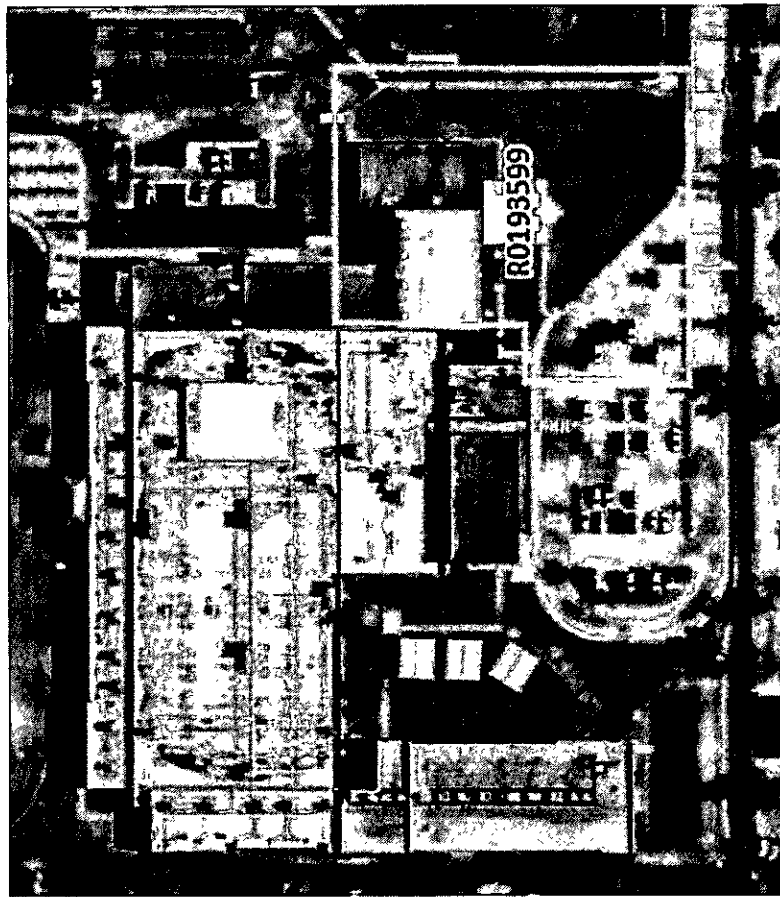
City Attorney



Item 13.



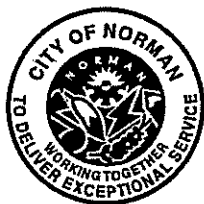
Irving Recreation Center
125 Vicksburg Avenue



Whitter Recreation Center
2000 W. Brooks Street

File Attachments for Item:

17. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2425-94: A SERVICE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN AND NORMAN ARTS COUNCIL, FOR THE 2025 ARTFUL INLETS PROJECT.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 2/11/2025

REQUESTER: MICHELE LOUDENBACK, ENVIRONMENTAL AND SUSTAINABILITY
MANAGER

PRESENTER: CHRIS MATTINGLY, DIRECTOR OF UTILITIES

TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION,
AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2425-94: A
SERVICE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN
AND NORMAN ARTS COUNCIL, FOR THE 2025 ARTFUL INLETS
PROJECT.

BACKGROUND:

The City of Norman (City) was designated by rule under 40 CFR §122.32(a)(1) as a Phase II Municipal Separate Storm Sewer System (MS4) City subject to the 1999 Phase II Stormwater Final Rule promulgated by the U.S. Environmental Protection Agency (EPA). On September 9, 1997, EPA delegated responsibility for stormwater discharges associated with construction sites, industrial sites, and Phase I and II MS4s to the Oklahoma Department of Environmental Quality (DEQ). Under this delegation authority, DEQ issued General Permit OKR04 for Stormwater Discharges Associated with Municipal Separate Storm Sewer Systems in Small Cities, Urbanized Areas, and Other County Areas in the State of Oklahoma on February 8, 2005. On March 17, 2017, Authorization No. OKR040015 was reauthorized by DEQ and required that the Stormwater Management Program and all associated activities must be fully implemented by the end of the 5-year permit term.

The Stormwater Management Program outlines the activities that the City will implement during the permit cycle to reduce pollution in stormwater runoff. One of the ways that the City does this is through public education. The Stormwater Division conducts public education in a number of different ways, including distributing utility bill inserts with a stormwater message to residents, conducting workshops, and participating in community events and festivals such as 2nd Friday Art Walk and Downtown Fall Festival.

Stormwater education can also be done with posters, videos, and public art. One way that cities across the country have combined public art and stormwater education is through storm inlet art programs. These programs bring together stormwater experts and the arts community to draw attention to often hidden stormwater infrastructure, such as storm drains and inlets, to raise awareness of stormwater pollution and the actions the general public can take to reduce the amount of pollution that is discharged to local creeks and streams by using the infrastructure as

the canvas for artwork. Several cities in Arkansas and Oklahoma including Fayetteville, Springdale, Rogers, and Bentonville, AR, and Muskogee, OK, have implemented inlet art programs with great success.

At the request of Councilmember Bierman and with support from Mayor Miller, the Public Works Department, Stormwater Division, developed an inlet art program in consultation with the Norman Arts Council, now referred to as the Norman Arts Council (NAC) in the fall of 2019. The first set of five (5) Artful Inlets were installed in April 2019 as part of Earth Month and 2nd Friday Art Walk. The inaugural year was such a great success and received so many positive responses from the community that the City and NAC agreed to partner again in 2020. Despite the pandemic, 5 additional Artful Inlets were installed in October 2020 and were showcased during the October Virtual 2nd Friday Art Walk. Examples from the most recent installation, April 2024, are included for reference.

Given the success of the Artful Inlets program thus far, the City and the NAC desire to partner again in 2025 to facilitate the selection, location, and installation of public art on five (5) additional pieces of stormwater infrastructure in Norman as part of the Artful Inlets Program.

DISCUSSION:

In order to continue the Artful Inlets Program and select artists to install storm inlet art, the City and the NAC wish to enter into Services Agreement, Contract K-2425-94. The NAC, Public Arts Board, and City will invite artists to submit designs that will transform city storm drains into works of public art. These artful inlets will educate and raise awareness that pollutants that go down storm drains have a devastating impact on our local water quality.

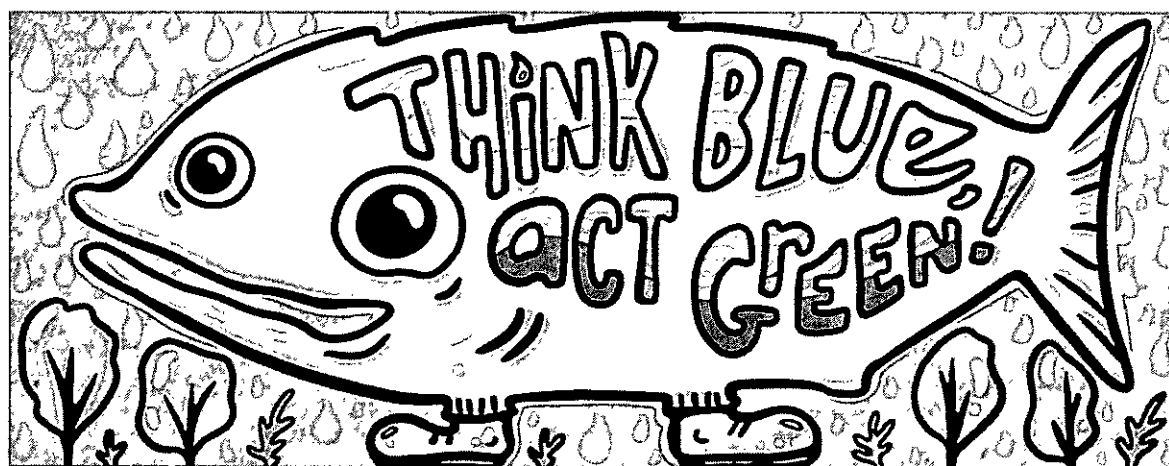
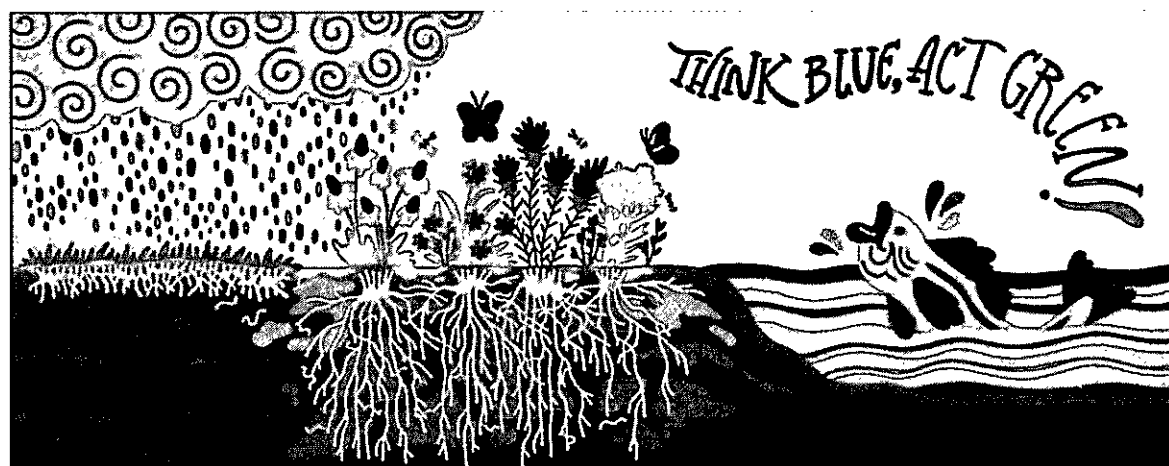
Five (5) pieces of stormwater infrastructure have been identified for this project. They will be located in Campus Corner along Buchanan Avenue, Asp Avenue, and Boyd Street. The artwork will have a stormwater and/or water quality theme and must be adaptable to any of the five specified pieces of infrastructure. Each selected artist will incorporate their original design into the prescribed area around the stormwater infrastructure.

This Council action is to approve Contract K-2425-94 between the City and the NAC for implementation of the 2025 Artful Inlets Program. The NAC will provide \$3,750 in Public Arts Board funding for the project in order to pay a stipend to the selected artists. The City will provide \$3,750 in funding for materials and supplies needed for the selected artwork as well as in-kind services to ensure the inlets are properly prepared and protected for art installation. Funding for this project is available in the Stormwater Quality budget, Other Supplies and Materials – Miscellaneous (Account No. 10110225-43199). If approved, this program will take place in April 2025.

RECOMMENDATION 1:

Staff recommends approval of Services Agreement, Contract K-2425-94, with the Norman Arts Council for implementation of the 2025 Artful Inlets Program.

Examples from April 2024:



K-2425-94

**SERVICES AGREEMENT
BETWEEN THE CITY OF NORMAN AND THE NORMAN ARTS COUNCIL**

This Services Agreement ("Agreement"), made and entered into on this February, 2025, the Effective Date, is by and between the Norman Arts Council ("NAC") and the City of Norman, Oklahoma ("City");

WHEREAS, the City is a charter municipality vested with the power to enter into contracts, and the NAC is a non-profit corporation with the powers of a corporation, including the authority to contract; and

WHEREAS, the existence of public art fosters a broader sense of community and improves the City's image locally, regionally, and nationally; and

WHEREAS, the City and the NAC desire to continue to partner to facilitate the selection, location, and installation of public art on storm inlets in Norman (the "Artful Inlets Program"); and

WHEREAS, the City and the NAC desire to enter into this Agreement to continue such a partnership.

NOW, THEREFORE, the parties agree as follows:

I. SELECTION AND INSTALLATION OF ARTWORK.

1. The NAC agrees to serve as the administrator for the selection and installation of public art for the Artful Inlets Program. As administrator, the NAC will work cooperatively with the City to select appropriate works of art for each of the five (5) pieces of stormwater infrastructure selected by the City for inclusion in the program. The Call for Artists will open on February 3, 2025, and art will be installed during FYE 2025.
2. Selection Process. Design proposals shall have a stormwater and/or water quality theme that serves to educate and raise awareness about the impact of pollutants in the stormwater system.
3. Execution Process. The NAC will coordinate with the City's Stormwater Program Manager or his/her designee for the execution of each selected project. The following parameters apply to the execution and installation of the art.
 - a. Art must stay within the parameters of the stormwater infrastructure canvas.
 - b. Safety equipment shall be used during installation of the art work as may be necessary and appropriate given the design and location of the storm inlet, including, but not limited to, safety vests, traffic

K-2425-94

- cones, and street lane closures if approved in advance by the City of Norman Public Works Department.
- c. No additional wording or images can be added to the art that deviates from the approved design without prior approval from the NAC.
 - d. While some deviation from the original design is acceptable due to the variation of sizes in storm drain structures, the principal theme and imagery of the approved design may not be changed.
 - e. All art must be completed within the timeframe set forth in the contract with the artist.
4. Funding. The NAC will provide \$3,750 in Public Arts Board funding for the project in order to pay a stipend to the selected artist(s). The City will provide \$3,750 in funding for materials needed for the selected artwork as well as in-kind services to ensure the inlets are properly prepared for art installation.

II. RIGHTS TO INSTALLED ARTWORK

- 1. Finished pieces of art will be the property of the City of Norman. The City and the NAC will be granted the exclusive right to reproduce copies of the work for fundraising, educational, and promotional materials.
- 2. Art installed as part of the Artful Inlets Program is subject to removal at any time for any purpose deemed necessary by the City.

III. MISCELLANEOUS PROVISIONS.

- 1. Hold Harmless Clause.
 - a. To the extent allowed by law, NAC does hereby agree to waive all claims against, release, and hold harmless City and all of its officials, officers, agents, and employees, in both their public and private capacities, for any and all liability, claims, suits, demands, losses, damages, attorneys' fees, including all expenses of litigation or settlement, or causes of action which may arise by reason of injury or death of any person or for loss of, damage to, or loss of use of any property arising out of or in connection with this Agreement.
 - b. To the extent allowed by law, City does hereby agree to waive all claims against, release, and hold harmless NAC and all of its officials, officers, agents, and employees, in both their public and private capacities, for any and all liability, claims, suits, demands, losses, damages, attorneys' fees, including all expenses of litigation or settlement, or causes of action which may arise by reason of

K-2425-94

injury or death of any person or for loss of, damage to, or loss of use of any property arising out of or in connection with this Agreement.

- c. It is the intention of both Parties that this mutual hold harmless clause shall be interpreted to mean that each party shall only be responsible for the actions of each party's own employees, officials, officers and agents. The Parties agree that the City has not waived its sovereign immunity by entering into and performing its obligations under this Agreement.
2. The commissioning of artists shall be implemented without regard to or because of race, color, religion, ancestry, national origin, age, place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the sex, or any other status protected by law, and in compliance with all antidiscrimination laws of the United States of America, the State of Oklahoma, and City.
3. This Agreement shall be binding upon the parties hereto, their successors and assigns, and constitutes the entire Agreement between the parties. No other Agreements, oral or written, pertaining to the performance of this Agreement exists between the parties. This Agreement can only be modified by written agreement of both parties.

[Remainder of Page Left Blank Intentionally]

K-2425-94

IN WITNESS WHEREOF, the City and the NAC have executed this Agreement on the Effective Date set forth herein.

CITY OF NORMAN, OKLAHOMA

By: _____
Mayor

ATTEST:

By: _____
City Clerk

Approved as to form and legality this 23 day of Jan., 2025.



City Attorney

NORMAN ARTS COUNCIL

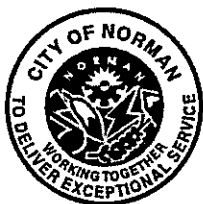
By: Leslie Nottingham
Executive Director

ATTEST:

By: William Hickman
Board President

File Attachments for Item:

19. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2425-38: A LEASE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN AND YFAC, LLC FOR THE TRAE YOUNG FAMILY FOUNDATION TO BE THE RETAIL PARTNER AND OPERATOR; AND ACCEPT THE IMPROVEMENTS, IN THE AMOUNT OF \$288,368.00, TO THE RETAIL SPACE INSIDE THE YOUNG FAMILY ATHLETIC CENTER, 2201 TRAE YOUNG DRIVE, NORMAN, OKLAHOMA.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 2/11/2025

REQUESTER: Jason Olsen, Director of Parks and Recreation

PRESENTER: AshLynn Wilkerson, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2425-38: A LEASE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN AND YFAC, LLC FOR THE TRAE YOUNG FAMILY FOUNDATION TO BE THE RETAIL PARTNER AND OPERATOR; AND ACCEPT THE IMPROVEMENTS, IN THE AMOUNT OF \$288,368.00, TO THE RETAIL SPACE INSIDE THE YOUNG FAMILY ATHLETIC CENTER, 2201 TRAE YOUNG DRIVE, NORMAN, OKLAHOMA.

BACKGROUND:

In October 2015, Norman voters approved the \$150 million, fifteen-year Norman Forward Sales Tax initiative. The Norman Forward Initiative outlined various citywide projects to improve the quality of life for the citizens of Norman. This initiative included projects to construct a new Multi-Sport Complex and Indoor Aquatic Facility.

The Multi-Sport Complex and Indoor Aquatic Facility were initially proposed as separate projects. After extensive public input and consideration by the City Council, acting as Trustees of the Norman Municipal Authority (NMA), these projects were combined in 2018 into one more extensive project, to be located at the southeast corner of 24th Avenue NW and Rock Creek Road in the University North Park development. This new sports and aquatic complex will include eight full-sized basketball or twelve volleyball courts; a 25-meter, eight-lane lap pool; a 25-yard, four-lane warm-up pool; concession stands; retail space; administration offices; and, through a partnership with Norman Regional Health System (NRHS), a health and wellness clinic to be placed between the multi-sports and aquatic complexes.

The building and the project were named the Young Family Athletic Center ("YFAC") in July of 2021 (K-2122-27) after the Trae Young Family Foundation (TYFF) agreed to donate \$4,000,000 to the construction of the building. NRHS has committed a minimum of \$6.7 million, through a contract approved by the City Council in June of 2023 (K-2122-99), towards constructing a human sports and performance clinic inside the YFAC called "N-Motion."

DISCUSSION:

During the design and construction of the YFAC, a retail space was initially planned, and a shell space was built. The full intention of the space was to work with local NBA superstar Trae Young and his family to have a retail space inside the YFAC that would open and operate during events. The retail space will include NIKE, Trae Young, and YFAC apparel and sporting goods. It will become a NIKE Team Store with the possibility of providing uniforms and apparel to groups like the Trae Young Academy, YFAC basketball and volleyball leagues, Norman Youth Soccer Association, Norman Public Schools, LYGENDS Nike EYBL teams, Sooner Swim Club, and so forth. This will be the only NIKE Team Store in Norman, and the Trae Young Family Foundation will operate it.

As stated above, the retail space was initially built as an empty shell and the Trae Young Family Foundation paid for design and construction to build out the empty shell retail space. The total cost of construction of the retail space was \$288,368.00. According to K-2425-38, all improvements made by the Lessee become the property of the City of Norman and any future enhancements.

The agenda item is the recommended approval of a lease agreement with YFAC, LLC, to operate and manage the retail space inside the YFAC. The contract is to begin on the Commencement Date (the date of execution) and will terminate upon the 20th anniversary of the Commencement Date (unless earlier terminated pursuant to contract provisions). Extension terms for successive five-year periods are also an option following the termination of the initial term. The Trae Young Family Foundation will operate the retail space and be the sole provider of the retail space inside the YFAC. The City is to receive \$38.88 per square foot as a lease payment, with the annual lease total to be \$25,000.00, and payments are to be remitted to the City on a monthly basis.

RECOMMENDATION 1:

Staff recommends the acceptance of the \$238,386.00 of improvements to the shell space of the retail store area inside the YFAC.

RECOMMENDATION 2:

Staff recommends the approval of Contract K-2425-38 between the City of Norman and YFAC, LLC, for the Trae Young Family Foundation to be the retail partner and operator of the retail space inside the YFAC.

delayed by any Force Majeure. The provisions of this Section 11.10 shall not operate to excuse either Party from prompt payment of any amounts required by the terms of this Lease.

11.11 Severability. In the event one or more of the terms or provisions of this Lease or the application thereof to any Party or circumstances shall, to any extent, be held invalid, illegal or unenforceable, the remainder of this Lease, or the application of such term or provision to persons or circumstances other than those as to whom or which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Lease shall be valid and enforceable to the fullest extent permitted by law.

11.12 Governing Law. THIS LEASE SHALL BE GOVERNED BY, AND CONSTRUED AND ENFORCED IN ACCORDANCE WITH THE LAWS OF THE UNITED STATES APPLICABLE THERETO AND THE LAWS OF THE STATE OF OKLAHOMA APPLICABLE TO AN AGREEMENT EXECUTED, DELIVERED AND PERFORMED IN SUCH STATE, WITHOUT REGARD TO ANY OTHERWISE APPLICABLE PRINCIPLES OF CONFLICTS OF LAW.

11.13 Venue for Actions. The venue for any legal action arising out of this Lease shall lie exclusively in Cleveland County.

11.14 Attorneys' Fees. Should either Party to this Lease engage the services of attorneys or institute legal proceedings to enforce its rights or remedies under this Lease, the prevailing Party to such dispute or proceedings shall be entitled to recover its reasonable attorneys' fees, court costs and similar costs incurred in connection with the resolution of such dispute or the institution, prosecution or defense in such proceedings from the other Party.

11.15 Relationship of Parties. Nothing contained herein shall be deemed or construed by the Parties hereto or by any third party as creating the relationship of principal and agent, partnership, joint venture or any association between the Parties hereto, it being understood and agreed that none of the provisions contained herein or any acts of the Parties in the performance of their respective obligations hereunder shall be deemed to create any relationship between the Parties hereto other than the relationship of Lessor and Lessee. It is understood and agreed that this Lease does not create a joint enterprise, nor does it appoint any Party as an agent of the other for any purpose whatsoever. No Party shall in any way assume any of the liability of the other for acts of the other or obligations of any other. Each Party shall be responsible for any and all suits, demands, costs or actions proximately resulting from its own individual acts or omissions.

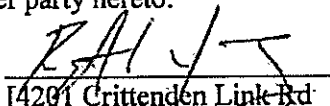
11.16 Lessor's Lien Waiver. Lessor hereby waives all landlord's liens that Lessor might hold, statutory or otherwise, to any of Lessee's (or any Sublessee's) inventory, trade fixtures, equipment or other personal property now or hereafter placed on the Retail Space.

11.17 Non-Waiver. No Party shall have or be deemed to have waived any default under this Lease by the other Party unless such waiver is embodied in a document signed by the waiving Party that describes the default that is being waived. Further, no Party shall be deemed to have waived its rights to pursue any remedies under this Lease, unless such waiver is embodied in a document signed by such Party that describes any such remedy that is being waived.

then allowed by law, shall be payable by Lessee to Lessor on demand, or, if not so paid, shall be treated at Lessor's option as a monetary default hereunder.

11.6 Notices. All notices, demands, payments and other communications required to be given or made hereunder shall be in writing and shall be duly given if delivered by hand, messenger, telecopy or reputable overnight courier or if mailed by certified or registered mail, first class postage prepaid, and shall be effectively received upon the date of such delivery or two (2) days after such mailing, to the respective parties hereto at the addresses set forth below, or to such other address furnished in writing to the other party hereto.

If to Lessee:


[4201 Crittenden Link Rd
Norman, OK 73072
Attn: Rayford Young]

With a copy to:

McAfee & Taft, A Professional Corporation
8th Floor, Two Leadership Square
211 N. Robinson
Oklahoma City, Oklahoma 73102
Attn: Martin Stringer

If to Lessor:

City of Norman
Attn: City Manager
201 West Gray
Norman, OK 73069

With a copy to:

City of Norman
Attn: City Attorney
201 West Gray
Norman, OK 73069

11.7 Successors and Assigns. Except as expressly provided in Article 8, this Lease may not be assigned without the prior written consent of the other party hereto. Subject to the foregoing, this Lease shall be binding upon and shall inure to the benefit of the parties and their permitted successors and assigns.

11.8 Amendment. Except as expressly provided herein, neither this Lease nor any term hereof may be amended, waived, discharged or terminated, except by a written instrument signed by the parties hereto.

11.9 Headings and Subheadings. The headings of the articles, sections, paragraphs and subparagraphs of this Lease are for convenience or reference only and in no way define, limit, extend or describe the scope of this Lease or the intent of any provisions hereof.

11.10 Unavoidable Default and Delays. After the date of execution of this Lease, the time within which any party to this Lease shall be required to perform any act under this Lease shall be extended by a period of time equal to the number of days during which performance of such act is

(c) Binding Obligation. This Lease is a valid and binding obligation of Lessee and is enforceable against Lessee in accordance with its terms, subject to (a) applicable bankruptcy, insolvency, fraudulent conveyance, reorganization, rearrangement, moratorium, receivership, liquidation and similar laws affecting creditors' rights or (b) general principles of equity.

(d) No Default. The execution by Lessee of this Lease and the consummation by Lessee of the transactions contemplated hereby do not, as of the Commencement Date, result in a breach of any of the terms or provisions of, or constitute a default or condition which upon notice or the lapse of time or both would ripen into default under, the organizational documents of Lessee or under any indenture, agreement, instrument or obligation to which Lessee is a party or is bound.

(e) Consents. No permission, approval or consent by third parties or any other governmental authorities is required in order for Lessee to enter into this Lease, make the agreements herein contained or perform the obligations of Lessee hereunder other than those which have been obtained.

Miscellaneous

11.3 Estoppel Certificates. Lessee and Lessor shall, at any time and from time to time upon not less than 20 days' prior written request by the other Party, execute, acknowledge and deliver to Lessor or Lessee, as the case may be, a statement in writing certifying (a) its ownership of the interest of Lessor or Lessee hereunder, as the case may be, (b) that this Lease is unmodified and in full force and effect (or if there have been any modifications, that the same is in full force and effect as modified and stating the modifications), (c) the dates to which any amounts due from Lessee have been paid, and (d) that, to the best knowledge of Lessor or Lessee, as the case may be, no default hereunder on the part of the other Party exists (except that if any such default does exist, the certifying Party shall specify such default.)

11.4 Release. If requested by Lessor, Lessee shall, upon termination of this Lease, execute and deliver to Lessor an appropriate release, in form proper for recording, of all Lessee's interest in the Retail Space, and upon request of Lessee, Lessor will execute and deliver a written cancellation and termination of this Lease and release of all claims (if none are then outstanding and known) in proper form for recording to the extent such release is appropriate under the provisions hereof.

11.5 Lessor's Right to Perform Lessee's Covenants. If Lessee shall fail in the performance of any of its covenants, obligations or agreements contained in this Lease, other than the obligation to pay any amounts due hereunder, and such failure shall continue without Lessee curing or commencing to cure such failure within all applicable grace and/or notice and cure periods, Lessor after ten (10) days additional written notice to Lessee specifying such failure (or shorter notice if any emergency, meaning that there is imminent danger to the safety of persons or of substantial damage to property exists) may (but without any obligation to do so) perform the same for the account and at the expense of Lessee, and the amount of any payment made or other reasonable expenses (including reasonable attorneys' fees incurred by Lessor for curing such default), with interest thereon at the rate of twelve percent (12%) per annum or the highest rate

in a breach of any of the terms or provisions of, or constitute a default, or a condition which upon notice or lapse of time or both would ripen into a default, under Lessor's charter or any resolution, indenture, agreement, instrument or obligation to which Lessor is a party or by which the Retail Space or any portion thereof is bound; and (ii) do not, to the knowledge of Lessor, constitute, a violation of any law, order, rule or regulation applicable to Lessor or any portion of the Retail Space of any court or of any federal, state or municipal regulatory body or administrative agency or other governmental body having jurisdiction over Lessor or any portion of the Retail Space.

(e) Consents. No permission, approval or consent by third parties or any other governmental authorities is required in order for Lessor to enter into this Lease, make the agreements herein contained or perform the obligations of Lessor hereunder other than those which have been obtained.

(f) Quiet Enjoyment. During the Term of this Lease and subject to the terms of this Lease, Lessee shall have the quiet enjoyment and peaceable possession of the Retail Space against hindrance or disturbance by Lessor or any person or entity acting by, through or under Lessor.

(g) Proceedings. There are no actions, suits or proceedings pending or, to the reasonable best knowledge of Lessor, threatened or asserted against Lessor affecting Lessor's ability to enter into this Lease or any portion of the Retail Space, at law or at equity or before or by any federal, state, municipal or other governmental department, commission, board, bureau, agency or instrumentality, domestic or foreign.

(h) Compliance with Laws. Lessor has not received any notice of any violation of any ordinance, regulation, law or statute of any governmental agency pertaining to the Land or any portion thereof.

(i) Encumbrances. Lessor has good and marketable fee simple title to the Land, subject to no liens or security interests, and Lessor has not placed or granted any liens or security interests against the Land.

(j) Limitations. Except as otherwise expressly provided herein, this Lease is made by Lessor without representation or warranty of any kind, either express or implied, as to the condition of the Land or the Retail Space, its merchantability, its condition or its fitness for Lessee's intended use or for any particular purpose.

11.2 Lessee's Representations, Warranties and Special Covenants.

(a) Existence. Lessee is an Oklahoma limited liability company duly organized and existing pursuant to the laws of the State of Oklahoma.

(b) Authority. Lessee has all requisite power and authority to own its property, operate its business, enter into this Lease and consummate the transactions herein contemplated, and by proper action has duly authorized the execution and delivery of this Lease and the consummation of the transactions herein contemplated.

in the Retail Space or its leasehold estate hereunder if not removed within 120 days; or (f) the entry of a final judgment, order or decree of a court of competent jurisdiction adjudicating Lessee to be bankrupt, and the expiration without appeal of the period, if any, allowed by applicable law in which to appeal therefrom.

9.2 Upon the occurrence and during the continuance of an Event of Default, Lessor shall have all remedies available at law or in equity, including, without limitation, termination, injunction and specific performance. All remedies of Lessor under this Lease shall be cumulative, and the failure to assert any remedy or the granting of any waiver of any event of default shall not be deemed to be a waiver of such remedy or any subsequent event of default.

ARTICLE 10

Default of Lessor

10.1 Defaults and Remedies. In the event of any breach by Lessor of any covenant of Lessor under this Lease, Lessee shall have the right to deliver to Lessor a written notice specifying such breach or non-payment, and unless within thirty (30) days from and after the date of delivery of such notice Lessor shall have commenced to remove or to cure such breach or occurrence and shall be proceeding with reasonable diligence to completely remove or cure such breach or occurrence (provided such breach or occurrence must be cured within 120 days after such notice), then Lessee shall have all remedies available at law or in equity, including, without limitation, termination, injunction and specific performance. All remedies of Lessee under this Lease shall be cumulative, and the failure to assert any remedy or the granting of any waiver of any event of default shall not be deemed to be a waiver of such remedy or any subsequent event of default.

ARTICLE 11

Representations, Warranties and Special Covenants

11.1 Lessor's Representations, Warranties and Special Covenants. Lessor hereby represents, warrants and covenants as follows:

(a) Existence. Lessor is a home rule municipal corporation of the State of Oklahoma duly incorporated and currently existing pursuant to the constitution and laws of the State of Oklahoma.

(b) Authority. Lessor has all requisite power and authority to own the Retail Space, to execute, deliver and perform its obligations under this Lease and to consummate the transactions herein contemplated and, by proper action in accordance with all applicable law, has duly authorized the execution and delivery of this Lease, the performance of its obligations under this Lease and the consummation of the transactions herein contemplated.

(c) Binding. Obligation. This Lease is a valid and binding obligation of Lessor and is enforceable against Lessor in accordance with its terms.

(d) No Defaults. The execution by Lessor of this Lease and the consummation by Lessor of the transactions contemplated hereby (i) do not, as of the Commencement Date, result

ARTICLE 8

Assignment and Subletting

8.1 Assignment. During the Term, Lessee shall continuously own and operate the Retail Space and shall not sell, convey or assign any of the leasehold estate created hereby without the express written consent of Lessor, except Lessee may assign or transfer this Lease, or any interest herein to (a) any entity owned or controlled by Lessee or its successors or assigns without the consent of the Lessor, or (b) a financially qualified third party subject to the reasonable approval of Lessor, provided such entity expressly assumes all the covenants and obligations of Lessee herein, subject to the reasonable satisfaction of the Lessor. Upon any such assignment, the assignee shall execute and deliver to Lessor a written assumption, in form and substance reasonably satisfactory to Lessor, of all of the obligations of Lessee pertaining to the Leased Premises and accruing under this Lease after such assignment.

8.2 Subletting.

(a) Lessee shall have the right at any time, without the consent of Lessor, to sublease all or any portion of the Retail Space to any third party; provided, however, that no such subletting or assignment shall relieve Lessee of any of its obligations hereunder unless otherwise agreed in writing by Lessor, and all subleases shall be subject to the terms and provisions of this Lease.

(b) No Sublessee shall have any right to sublease or otherwise assign or encumber its interest in the Retail Space.

8.3 General Provisions. Lessee shall, in connection with any assignment or sublease, provide notice to Lessor of the name and address of any assignee or Sublessee, together with a complete copy of the assignment agreement or sublease.

ARTICLE 9

Default of Lessee

9.1 Lessee shall be in default if any of the following events ("*Events of Default*") shall occur: (a) the failure on the part of Lessee to pay 100% of the Construction Funding when due and the continuation of such failure for ten (10) days after Lessor has provided to Lessee a written notice of such failure; (b) any breach by Lessee of any covenant of Lessee under this Lease (other than the failure to pay Construction Funding when due) and such breach has not been cured within thirty (30) days from and after the date notice of such breach is given by Lessor to Lessee; provided, however, no Event of Default shall exist if Lessee shall have commenced to remove or to cure such breach and shall be proceeding with reasonable diligence to completely remove or cure such breach (provided such breach must be cured within 120 days after such notice); (c) the making of any general assignment for the benefit of creditors by Lessee; (d) the filing of a voluntary petition in bankruptcy or a voluntary petition for an arrangement or reorganization under the United States Federal Bankruptcy Act (or similar statute or law of any foreign jurisdiction) by Lessee; (e) the appointment of a receiver or trustee for all or substantially all of Lessee's interest

direct or indirect stockholders, agents, other representatives, successors and assigns for bodily injury (including death) to persons, or loss or damage to property of Lessor and Lessee whether caused by the negligence or fault of Lessor and Lessee or their partners, directors, officers, employees, agents or representatives or otherwise, to the extent that the injuries, losses or damages are covered by the proceeds of insurance policies maintained by either party.

6.5 Adjustment of Losses. Except for the proceeds relating to the contents policy required to be maintained by Lessee (which proceeds shall be paid solely to Lessee), any loss under any insurance policy required under Section 6.3 hereof shall be made payable to Lessor for the benefit of Lessee and Lessor, to the end that Lessor shall be entitled to collect all money due under such insurance policies payable in the event of and by reason of the loss of or damage to the Facility, to be applied pursuant to Article 7, below. The adjustment of losses with the insurer shall be made by Lessor.

6.6 Operational Liability. Lessor shall be responsible for all liability related to the operation of the Facility and shall indemnify, defend, and hold harmless Lessee for any losses or damages incurred by Lessee in connection with Lessor's operation of the Facility to the extent provide by law; provided, however, Lessor shall not have any liability related to Lessee's operation of the Retail Space, which shall be Lessee's sole responsibility.

ARTICLE 7

Casualty

7.1 Repair in the Event of Casualty. In the event the Facility shall be damaged during the Term, Lessor, to the extent covered by the insurance obtained by Lessor in accordance with Section 6.3, above, shall promptly proceed to repair, restore, replace, or rebuild the Facility to substantially the same condition in which the same were immediately prior to such damage or destruction. If this Lease is not terminated pursuant to Section 7.2 below following a casualty event impacting the Leased Premises, then Lessor shall restore (or cause to be restored) the Leased Premises with reasonable promptness to the condition in which it was in immediately prior to such casualty.

7.2 Lessee Termination Right. Notwithstanding the foregoing, in the event Lessee determines in good faith that repairs and restoration of the Facility cannot be substantially completed within 180 days of such damage, Lessee shall have the option to terminate this Lease by written notice to Lessor. Provided that if the casualty event renders all or a substantial part of the Leased Premises untenantable, then Lessee may terminate this Lease within 45 days after such casualty event.

7.3 Right to Insurance Proceeds. In the event Lessee terminates this Lease pursuant to Section 7.2, and Lessor elects not to restore the Facility pursuant to Section 7.1, Lessee shall be entitled to its pro rata share of any insurance proceeds received by Lessor based on the value of the tenant improvements to the Retail Space within the Facility at the time of the loss.

(c) Lessee shall keep the Retail Space in a state of good repair on a regular and ongoing basis. Upon termination of this Lease, Lessee shall deliver the Leased Premises in good condition, reasonable wear and tear, obsolescence, acts of God and loss by casualty excepted. Lessee shall arrange for its own cleaning services for the Retail Space (which may include using Lessor's contracted cleaning service) at Lessee's sole cost and expense.

5.4 Operational Rights: Revenue. Lessee shall receive all revenues generated from and associated with the Retail Space for the duration of the Term. Subject to the terms and provisions of this Lease, Lessee shall have full and exclusive control of the management and operation of the Retail Space. Without limiting the generality of the foregoing during the term of this Lease, (i) Lessee shall have the sole right to grant and enter into licenses, rights, subleases, and any and all other agreements of any nature relating to the Retail Space or the name thereof on such terms as Lessee deems appropriate, and (ii) Lessee shall own all revenues of any source generated by or from the Retail Space or the operation or management or the name thereof.

ARTICLE 6

Insurance and Indemnity

6.1 Liability Insurance. Lessee agrees, at its sole expense, to obtain and maintain public liability insurance at all times during the Term hereof with reputable insurance companies authorized to transact business in the State of Oklahoma for bodily injury (including death) and property damage with minimum limits of \$1,000,000 combined single limit protecting Lessee against any liability, damage, claim or demand arising out of or connected with the condition or use of the Retail Space. Such insurance shall include contractual liability, personal injury and advertising liability, and independent contractor liability. Such insurance coverage must be written on an "occurrence" basis. It may be maintained by any combination of single policies and/or umbrella or blanket policies.

6.2 Workers' Compensation Insurance. Lessee agrees, at its sole expense, to obtain and maintain workers' compensation insurance, as required by applicable law, during the Term.

6.3 Property Insurance. At all times during the Term, Lessor and Lessee shall maintain property insurance as set forth herein. Lessor shall maintain building and contents insurance on the Facility, including the Retail Space. Lessee shall, at its sole expense, keep all equipment and other personal property included in the Retail Space insured against "all risk" of loss for full replacement cost coverage, to include direct loss by fire, windstorm, hail, explosion, riot, civil commotion, aircraft, vehicles, smoke, boiler and machinery and flood. Coverage must be written by reputable insurance companies authorized to transact business in the State of Oklahoma.

6.4 Policies. All insurance policies Lessee is required to maintain pursuant to this Article 6 shall provide for at least thirty (30) days written notice to Lessor before cancellation and certificates or copies of policies of insurance shall be delivered to Lessor and Lessor shall be named as an additional insured under such policy. Lessor and Lessee hereby waive all claims, rights of recovery and causes of action that either party or any party claiming by, through or under such party by subrogation or otherwise may now or hereafter have against the other party or any of the other party's present and future subsidiaries, affiliates, partners, officers, directors, employees,

ARTICLE 5

Use of Premises

5.1 Use of Retail Space. Lessee shall use the Retail Space to sell athletic goods for the benefit of the general public. Only Lessee, in its sole discretion, will determine the inventory and retail costs for the goods sold in the Retail Space.

5.2 Compliance with Laws. Lessee agrees not to use the Retail Space for any use or purpose in violation of any valid and applicable law, regulation or ordinance of the United States, the State of Oklahoma, the City of Norman or other lawful governmental authority having jurisdiction over the Retail Space, including, without limitation, the Americans with Disabilities Act of 1990, as amended.

(a) Lessee's employment policies must include non-discriminatory provisions in compliance with federal and state laws, rules and regulations, including Title VII of the Civil Rights Act of 1964, and the Lessor's Civil Rights Ordinance.

(b) Lessee agrees that it will not discriminate on the basis of race, color, religion, ancestry, national origin, age, place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the same sex in furnishing or refusing to furnish, to such person or persons the use of the Retail Space, including any and all services, privileges, accommodations, and activities thereby. Lessee agrees that this non-discrimination requirement will be included in all subcontracts related to the operation of the Center and to the services provided by the Lessee, its employees, agents and tenants.

5.3 Maintenance.

(a) Lessor shall keep the Facility with the exception of the interior of the Retail Space and any Improvements that only benefit Lessee, in a state of good repair on a regular and ongoing basis. Lessor shall keep the Facility in a clean, neat and orderly manner at all times and shall, without limitation, (i) keep the inside and outside of all glass in the doors and windows of the Facility clean, (ii) maintain the Facility free of insects, rodents, vermin and other pests, (iii) keep the Facility free of dirt, rubbish and other debris, (iv) keep the Facility free of objectionable or offensive odors, and (v) maintain lighting, heating and plumbing fixtures and heating, ventilating and air conditioning equipment and systems, and the fire protection sprinkler system in good order, condition and repair making all needed maintenance, repairs and replacements. Lessor shall arrange for the regular pickup of all trash and garbage at the Facility, including the Retail Space.

(b) Lessor shall maintain the foundation of the Leased Premises, the roof of the Facility in which the Leased Premises is located and the structural soundness of concrete floors, walls and windows of the Leased Premises in good order, repair and condition; provided, however, that Lessee shall give Lessor notice of the need for such maintenance and Lessor shall have a reasonable time to respond.

ARTICLE 2

Rent for Retail Space

2.1 Gross Rent. Lessee shall make an annual rental payment of \$25,000 (\$38.88/square foot) within 30 days of the date on which the retail space commences operations and every 12 months thereafter during the Term. If the term of this Lease is terminated prior to expiration pursuant to Section 1.2 or Section 7.2, then any amounts paid for such Lease Year shall be prorated as of the effective date of the termination and any amounts paid by Lessee attributable to dates after the effective date of the termination shall be returned to Lessee.

ARTICLE 3

Taxes and Utilities

3.1 Taxes. Lessor and Lessee acknowledge that this is a "gross lease" and Lessor shall be responsible for the cost of all real estate and ad valorem taxes levied against the Facility.

3.2 Utilities. Lessor shall obtain and maintain at its sole cost and expense all water, gas, electricity, telephone, internet and similar utilities and services provided to the Leased Premises during the Term; provided, however, Lessee shall have the option to obtain its own telephone and internet service for the Leased Premises.

ARTICLE 4

Improvements

4.1 Improvements, Removals and Replacements. Lessee shall have the right, at its option and expense (subject only to the express restrictions set forth in this Lease) to further enhance the tenant improvements within the Retail Space, as long as such improvements do not materially interfere with the development or use of the YFAC. Any fixtures, materials or equipment that are permanent in nature and installed in the Retail Space automatically shall become the property of Lessor, unless prior to the installation thereof, Lessee shall have obtained from Lessor written acknowledgment that the same shall remain the property of Lessee, in which event Lessee may remove such fixtures, materials or equipment at any time (including, without limitation, upon the termination of this Lease), if such can be done without material damage to the remainder of the Improvements and Lessee agrees to repair any damage caused by such removal including the patching of holes and the painting thereof. Any furniture, fixtures, or equipment purchased by Lessee for the Retail Space that is not of a permanent nature will remain the property of Lessee unless Lessor and Lessee agree otherwise in writing. Any Improvements purchased by Lessor or that are otherwise the property of Lessor may not be removed without the consent of Lessor and unless they are replaced with reasonably comparable Improvements. Lessee shall not construct any Improvements on the Retail Space during the Term that adversely interfere with the development or use of the YFAC.

reason at all upon 180 days written notice to Lessee provided that on the effective date of such termination Lessor shall reimburse Lessee for the cost of the Construction Funding paid by Lessee, reduced by 10% for each 12 month period in which the lease is in operation following the Commencement Date, subject to adequate appropriations by the City. The Initial Term, together with any exercised Extension Terms, are collectively referred to herein as the "Term."

1.3 Certain Definitions. The following terms shall have the meaning set forth in this Section 1.3:

(a) Commencement Date. The date first set forth above in the introductory paragraph of this Lease.

(b) Construction Funding. The amount paid for by Lessee for the construction work performed on the Retail Space for tenant improvements prior to the Commencement Date.

(c) Event of Default. Has the meaning set forth in Article 9.

(d) Facility. The various buildings, facilities, and improvements located in the City of Norman as depicted on Exhibit A, including the YFAC.

(e) Force Majeure. Any unforeseeable causes beyond a Party's control and without such Party's fault or negligence, including, but not limited to, acts of God, acts of the public enemy, acts of any federal state or local government, acts of the other party, fires, floods, epidemics, quarantine restrictions, strikes, lockouts, freight embargoes, and unusually severe weather or unforeseen environmental or archaeological conditions requiring investigation/mitigation pursuant to federal, state or local laws

(f) Foundation. Trae Young Family Foundation.

(g) Gross Rent. The lease payments for the Retail Space provided in Article 2 hereof.

(h) Improvements. All buildings, structures, equipment, improvements, fixtures and related infrastructure from time to time connected, installed or situated on the land of the Facility, including all landscaping. Improvements shall not include minor capital maintenance items such as, but not limited to, carpeting, wall coverings, artwork, light fixtures, etc.

(i) Leased Premises. The areas leased to Lessee pursuant to this Lease including the Retail Space and designated office space, as depicted on Exhibit A.

(j) Lease Year. Each successive 12-month period during the Term from and including the Commencement Date.

(k) Retail Space. The portion of the Facility, including any improvements therein, that is depicted in Exhibit A and operated pursuant to this Lease by the Lessee.

(p) Term. The term of this Lease as provided in Section 1.2 hereof.

LEASE AGREEMENT

For the Operation of a Retail Store

This Lease Agreement (this "*Lease*") is entered into on the _____ day of _____, 2024, (the "*Commencement Date*"), by and between the City of Norman, Oklahoma, a municipal corporation ("*Lessor*"), and YFAC, LLC, an Oklahoma limited liability company ("*Lessee*"), for the purpose of creating a contractual relationship related to the operation of a retail store within the Young Family Athletic Center ("*YFAC*").

WHEREAS, Norman voters approved the Norman Forward Quality of Life Projects Sales Tax of 2015, providing a one-half (1/2) percent sales tax dedicated to fund a number of Quality of Life projects, including \$22.5 million for the Facility; and

WHEREAS, on July 13, 2021, Lessor entered into an agreement (K-2122-27) with the Foundation to provide for additional funding and an ongoing relationship related to the YFAC;

WHEREAS, in connection with further improvements of YFAC, Lessor desires to lease to Lessee certain space within the YFAC for the operation of a retail sporting goods store; and

WHEREAS, the Parties desire to formalize the Lessee's occupancy of the Leased Premises on the terms set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of the recitals set forth above and the mutual covenants and agreements contained herein and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged and confessed by each of the parties hereto, the parties hereto have agreed and, intending to be legally bound, do hereby agree as follows:

ARTICLE 1

Grant, Term of Lease and Certain Definitions

1.1 Leasing Clause. Upon and subject to the terms and provisions contained herein, Lessor does hereby lease, demise and let unto Lessee, and Lessee does hereby take and lease from Lessor, the Leased Premises, depicted in Exhibit A attached hereto, for the term and subject to the provisions hereinafter provided.

1.2 Term. The term of this Lease shall be for a period commencing on the Commencement Date and terminating on the 20th anniversary of the Commencement Date (the "*Initial Term*"), unless earlier terminated in accordance with the provisions of this Lease. Lessee shall have the right, at its option, to extend the Term for five additional successive five-year periods (each, an "*Extension Term*"), beginning at the end of the Initial Term or the then-current Extension Term, as applicable. Each Extension Term shall be subject to the same terms and conditions as the Initial Term; provided however, at any time following the fifth anniversary of the Commencement Date, (a) Lessee may terminate this Lease for any reason or no reason at all upon 180 days written notice to Lessor and (b) Lessor may terminate this Lease for any reason or no

Contract K-2425-38

11.18 Obligations to Defend Validity of Agreement. If litigation is filed by a third party against any party to this Lease in an effort to enjoin a Party's performance of this Lease, the Parties hereto who are named as parties in such action shall take all commercially reasonable steps to support and defend the validity and enforceability of this Lease. A Party may intervene in any such matter in which the other Party hereto has been named as a defendant. Each Party shall be responsible for its attorneys' fees and costs of litigation.

11.19 Survival. Covenants in this Lease providing for performance after termination of this Lease shall survive the termination of this Lease.

11.20 Entire Agreement. This Lease and the other documents delivered pursuant to this Lease or referenced herein constitute the full and entire understanding and agreement between the Parties with regard to the subject matter hereof. There are no representations, promises or agreements of any Party regarding the subject matter of this Lease not contained in this Lease, the Exhibits attached hereto or the other documents delivered pursuant to this Lease or referenced herein.

11.21 Counterparts. This Lease may be executed in any number of counterparts, each of which shall be an original, but all of which together shall constitute one and the same instrument.

11.22 Waiver of Consequential Damages. Notwithstanding anything in this Lease, to the contrary, Lessor hereby waives any consequential damages, compensation or claims for inconvenience, loss of business, rents or profits as a result of any injury or damage, whether or not caused by the willful or wrongful act of Lessee or its representatives, agents or employees. Anything to the contrary in this Lease notwithstanding, Lessee hereby waives any consequential damages, compensation or claims for inconvenience, loss of business, rents or profits as a result of any injury or damage, whether or not caused by the willful or wrongful act of Lessor or its representatives, agents or employees.

[remainder of page left blank intentionally]

Contract K-2425-38

IN WITNESS WHEREOF, the parties hereto have executed and delivered this Lease as of the date first set forth above.

THE CITY OF NORMAN, OKLAHOMA
(as "Lessor")

(SEAL)

By: _____

Name: Larry Heikkila

Title: Mayor

ATTEST:

By: _____

Name: Brenda Hall

Title: City Clerk

YFAC, LLC
(as "Lessee")

By: _____

Name: _____

Title: _____

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY [Signature] DATE 7/7/25

City of Norman, OK

*Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069*



City Council

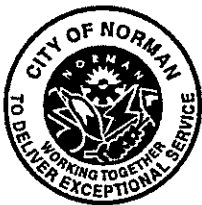
Tuesday, February 25, 2025

6:30 PM

Director of Parks and Recreation

**City Council, Norman Utilities Authority, Norman Municipal Authority,
and Norman Tax Increment Finance Authority**

**Councilmembers Austin Ball, Ward 1, Matthew Peacock, Ward 2, Bree Montoya,
Ward 3, Helen Grant Ward 4, Michael Nash, Ward 5, Joshua Hinkle, Ward 6,
Stephen Tyler Holman, Ward 7, Scott Dixon, Ward 8, Mayor Larry Heikkila.**



CITY OF NORMAN, OK CITY COUNCIL REGULAR MEETING

**Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Tuesday, February 25, 2025 at 6:30 PM**

AGENDA

It is the policy of the City of Norman that no person or groups of persons shall on the grounds of race, color, religion, ancestry, national origin, age, place of birth, sex, sexual orientation, gender identity or expression, familial status, marital status, including marriage to a person of the same sex, disability, relation, or genetic information, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in employment activities or in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. In the event of any comments, complaints, modifications, accommodations, alternative formats, and auxiliary aids and services regarding accessibility or inclusion, please call 405-366-5424, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

CITY COUNCIL, NORMAN UTILITIES AUTHORITY, NORMAN MUNICIPAL AUTHORITY, AND NORMAN TAX INCREMENT FINANCE AUTHORITY

You are required to sign up in advance of the meeting on the City's webpage, by calling the City Clerk's Office (405-366-5406), or at the Council Chambers prior to the start of the meeting with your name, ward, and item you wish to speak to including whether you are a proponent or opponent. When the time comes for public comments, the Clerk will call your name and you can make your way to the podium. Comments may be limited on items of higher interest, if so, the Mayor will announce that at the beginning of the meeting. Participants may speak one time only up to 3 minutes per person per item. There will be no yielding of time to another person. Sign up does not guarantee you will get to speak if the allotted time for that item has already been exhausted. If there is time remaining after those registered to speak have spoken, persons not previously signed up may have the opportunity to speak. Comments received must be limited to the motion on the floor only.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

COUNCIL ANNOUNCEMENTS

CONSENT DOCKET

This item is placed on the agenda so that the City Council, by unanimous consent, can designate those routine agenda items that they wish to be approved or acknowledged by one motion. If any item proposed does not meet with approval of all Councilmembers, that item will be heard in regular order. Staff recommends that Item 1 through Item 11 be placed on the consent docket.

1. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE MINUTES AS FOLLOWS:

CITY COUNCIL, NORMAN UTILITIES AUTHORITY, NORMAN MUNICIPAL AUTHORITY, NORMAN TAX INCREMENT FINANCE AUTHORITY MEETING MINUTES OF MARCH 12, 2024, MARCH 26, 2024, APRIL 9, 2024, NOVEMBER 26, 2024, DECEMBER 10, 2024, JANUARY 14, 2025, JANUARY 28, 2025, AND FEBRUARY 11, 2025.

CITY COUNCIL SPECIAL MEETING MINUTES OF JUNE 13, 2023 AND FEBRUARY 27, 2024.

CITY COUNCIL OVERSIGHT MEETING MINUTES OF AUGUST 10, 2023.

CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MEETING MINUTES OF OCTOBER 3, 2024.

2. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF RECOMMENDATION FROM THE CITY ATTORNEY THAT THE CITY COUNCIL APPROVE A SETTLEMENT OF TYIREE HYATT IN THE AMOUNT OF \$75,000 TO RESOLVE HIS TORT CLAIM FILED SEPTEMBER 5, 2024.

Appointments

3. CONSIDERATION OF ACKNOWLEDGEMENT, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

BOARD OF APPEALS

TERM: 02-25-25 TO 02-03-29: TYLER MCMANAMAN, WARD 2

TERM: 02-25-25 TO 02-03-29: ALEX LANPHERE, WARD 2

PUBLIC SAFETY OVERSIGHT COMMITTEE

TERM: 02-25-25 TO 02-10-28: LINDA PRICE, WARD 1

TERM: 02-25-25 TO 02-10-28: ASHLIE DURHAM, WARD 7

TERM: 02-25-25 TO 02-10-28: KYLE HURLEY, AT LARGE

NORMAN FORWARD CITIZENS FINANCIAL OVERSIGHT BOARD

TERM: 02-25-25 TO 12-22-27: ERIK PAULSON WARD 2

TERM: 02-25-25 TO 12-22-27: ANDY RIEGER, WARD 4

TERM: 02-25-25 TO 12-22-27: LINDA PRICE, WARD 1

SOCIAL AND VOLUNTARY SERVICES COMMISSION

TERM: 02-25-25 TO 12-09-27: ANN WAY, WARD 1

TERM: 02-25-25 TO 12-09-27: KAY CRITSER, WARD 6

TERM: 02-25-25 TO 12-09-27: FALLON BURLESON, WARD 7

Reports/Communications

4. CONSIDERATION OF ACKNOWLEDGEMENT, APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF JANUARY 31, 2025, AND DIRECTING THE FILING THEREOF.
5. CONSIDERATION OF ACKNOWLEDGEMENT, APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE MONTHLY DEPARTMENTAL REPORT FOR THE MONTH OF JANUARY 2025.

Final Plat

6. CONSIDERATION OF AWARDED, ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF FP-2425-5 FINAL PLAT FOR LIAM'S CORNER, A REPLAT OF LOT 1, BLOCK 5, PART OF LOT 2, BLOCK 5 AND PART OF BLOCK 6, LYDICK'S FIRST ADDITION (LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WEST LINDSEY STREET AND SOUTH BERRY ROAD).

Contracts

7. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2425-97: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE SANBORN MAP COMPANY, INC., IN AN AMOUNT NOT-TO-EXCEED \$142,550.20 TO PROVIDE DIGITAL ORTHOPHOTOGRAPHY, TOPOGRAPHIC MAPPING, AND PLANIMETRIC MAPPING FOR THE GEOGRAPHIC INFORMATION SYSTEMS DIVISION.

Resolutions

8. CONSIDERATION OF AWARDED, ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2425-88: IN THE AMOUNT OF \$18,000 AND BUDGET TRANSFER AS OUTLINED IN THE STAFF REPORT TO FUND PEDESTRIAN IMPROVEMENTS AT THE UNIVERSITY BOULEVARD INTERSECTION WITH WHITE STREET.
9. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2425-89: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$15,000 FROM THE ANIMAL CONTROL DONATION ACCOUNT TO BE USED TO PURCHASE SURGICAL EQUIPMENT FOR THE ANIMAL WELFARE CENTER VETERINARY CLINIC.
10. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2425-95: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$56,182.43 FROM THE REFUNDS / REIMBURSEMENTS MISCELLANEOUS RISK MANAGEMENT ACCOUNT FOR THE REPAIR OF CITY VEHICLES DAMAGED BY OTHER DRIVERS IN TRAFFIC COLLISIONS.

11. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-22 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE LOT ONE (1), IN BLOCK TWO (2), OF EAST LINDSEY PLAZA SECTION 5, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT, AND PLACE SAME IN THE SPUD, SIMPLE PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1451 12TH AVENUE SOUTHEAST)
WITHDRAWN BY APPLICANT

NON-CONSENT ITEMS

Second Reading Ordinance

12. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-15 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR PUBLIC UTILITY IN THE A-2, RURAL AGRICULTURAL DISTRICT FOR A STRIP, PIECE OR PARCEL OF LAND IN THE SOUTHEAST QUARTER (SE/4) OF SECTION NINETEEN (19), TOWNSHIP EIGHT (8) NORTH, RANGE ONE (1) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED NORTH OF ETOWAH ROAD ON 72ND AVENUE SOUTHEAST)
13. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2425-10 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING SECTION 36-567.1 ("RESTRICTIONS ON TOBACCO AND E-CIGARETTE RETAILERS") TO CHAPTER 36 ("ZONING ORDINANCE"); AND AMENDING SECTIONS 36-521 ("RO, RESIDENCE-OFFICE DISTRICT"), 36-524 ("C-1, LOCAL COMMERCIAL DISTRICT"), 36-526 ("TC, TOURIST COMMERCIAL DISTRICT"), 36-527 ("CR, RURAL COMMERCIAL DISTRICT"), AND 36-560 ("SPECIAL USES") TO CHAPTER 36 ("ZONING ORDINANCE") OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH RESTRICTIONS ON TOBACCO AND E-CIGARETTE RETAILERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

14. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2425-11 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE TITLE OF ARTICLE V, CHAPTER 16; AMENDING SECTION 16-501 TO REFLECT CHANGES TO PURPOSE; AMENDING AND ADDING DEFINITIONS TO SECTION 16-502 FOR THE PURPOSES THEREOF; AMENDING SECTION 16-503 TO ADD PROHIBITED ACTIVITIES ON MUNICIPAL PROPERTY; MOVING SECTION 16-508 TO SECTION 16-504 AND THEREBY LEAVING SECTIONS 16-505 THROUGH 16-508 AS RESERVED FOR PURPOSES OF INTERNAL CODE CONSISTENCY; AND PROVIDING FOR THE SEVERABILITY THEREOF.
15. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OR ORDINANCE O-2425-12 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE TITLE OF SECTION 24-311 OF CHAPTER 24; AMENDING DEFINITIONS FOR THE PURPOSES THEREOF; PROHIBITING THE FURNISHING OF TOBACCO, NICOTINE AND VAPOR PRODUCTS TO ANYONE UNDER THE AGE OF TWENTY-ONE, PROHIBITING THE POSSESSION OF TOBACCO, NICOTINE AND VAPOR PRODUCTS BY ANYONE UNDER THE AGE OF TWENTY-ONE, PROHIBITING THE DISPLAY OR SALE OF TOBACCO, NICOTINE OR VAPOR PRODUCTS WHERE SELF-ACCESSIBLE BY ANYONE UNDER THE AGE OF TWENTY-ONE; AND PROVIDING FOR THE SEVERABILITY THEREOF.
16. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-13 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING ARTICLE 2-III, DIVISION 2-III-17 DUTIES AND POWERS OF THE ANIMAL WELFARE OVERSIGHT COMMISSION.
17. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-14 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE 2-III, DIVISION 2-III-1, SECTION 2-301 OF THE CODE OF THE CITY OF NORMAN INCREASING THE NUMBER OF PERSONS FOR THE BOARD OF ADJUSTMENT FROM FIVE TO SEVEN, AMENDING CITY PLANNING COMMISSION MEMBERSHIP TO REQUIRE A PERSON FROM EACH WARD AND ONE AT-LARGE PERSON, DECREASING THE TERMS OF PERSONS ON THE BOARD OF APPEALS FROM FOUR TO THREE YEAR TERMS, AND ADDING NORMAN ELECTION COMMISSION: SEVEN PERSONS WITH THREE-YEAR TERMS; AMENDING DIVISION 2-III-6, SECTION 3-216, ADDING OVERSIGHT OVER TREE PROTECTION TO THE BOARD OF PARK COMMISSIONERS AUTHORITY; REPEALING DIVISION 2-III-9, GREENBELT COMMISSION IN ITS ENTIRETY; REPEALING DIVISION 2-III-16, TREE BOARD IN ITS ENTIRETY; AMENDING ARTICLE 10-II, SECTION 10-201, NORMAN ELECTION COMMISSION, TO CHANGE A FIVE MEMBER COMMITTEE TO SEVEN; AND AMENDING ARTICLE 36-V-4, SECTION 36-570(A)(2) TO INCREASE THE CONCURRING VOTE REQUIRED FOR THE BOARD OF ADJUSTMENT FROM THREE TO FOUR MEMBERS.

18. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-23 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE 4-I, SECTION 4-101 ADDING DEFINITIONS FOR ABANDON, ANIMAL, COMMUNITY CAT, COMMUNITY CAT CAREGIVER, AND TRAP-NEUTER-RETURN (TNR) AND AMENDING DEFINITIONS FOR EXOTIC WILDLIFE AND NATIVE WILDLIFE; AMENDING ARTICLE 4-II, SECTION 4-202 AND 4-205 UPDATING LANGUAGE FOR ANIMAL WELFARE SUPERVISOR AND UPDATING LANGUAGE THROUGHOUT FOR CONSISTENCY; DELETING SECTION 4-205(H) DUPLICATIVE LANGUAGE RELATED TO THE TNR PROGRAM; REPEALING SECTIONS 4-211 THROUGH 4-221 PET LICENSE REQUIRED; AMENDING ARTICLE 4-III, SECTION 4-301(D) ADDING ANIMALS VENOMOUS TO HUMAN BEINGS; AMENDING SECTION 4-301(E) REQUIRING ACCREDITATION ASSOCIATION OF ZOOS AND AQUARIUMS (AZA) OR ZOOLOGICAL ASSOCIATION OF AMERICA (ZAA) CERTIFIED FOR ZOOS; ADDING ARTICLE 4-V, SECTION 4-510 COMMUNITY CATS; AMENDING SECTION 4-501, ABANDONMENT OF CATS AND DOGS; AMENDING SECTION 503(C), CONFINEMENT OF DOGS AND CATS; ADDING SECTION 4-510, COMMUNITY CATS; AMENDING ARTICLE 4-VI, SECTION 4-601(A), CRUELTY TO ANIMALS; AND AMENDING SECTION 4-603, ANIMALS THAT ARE NUISANCES.

19. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-20 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO REMOVE LOTS FORTY-FIVE (45) AND FORTY-SIX (46) IN BLOCK ONE (1) OF LARSH'S UNIVERSITY ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE CCFBC, CENTER CITY FORM-BASED CODE DISTRICT, URBAN GENERAL FRONTAGE, AND PLACE SAME IN THE CCPUD, CENTER CITY PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (428 BUCHANAN AVENUE)

20. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-21 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A CHURCH, TEMPLE, OR OTHER PLACE OF WORSHIP WITH A WAIVER OF SECTION 36-547(a)(4) PERTAINING TO EXTERIOR APPEARANCE IN THE R-1, SINGLE-FAMILY DWELLING DISTRICT FOR LOT ONE (1), IN BLOCK SEVENTEEN (17), OF HALL PARK FOURTH ADDITION OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1501 24TH AVE NE)

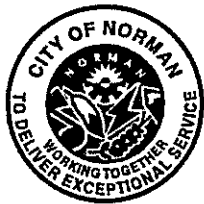
MISCELLANEOUS COMMENTS

This is an opportunity for citizens to address City Council. Due to Open Meeting Act regulations, Council is not able to participate in discussion during miscellaneous comments. Remarks should be directed to the Council as a whole and limited to three minutes or less.

ADJOURNMENT

File Attachments for Item:

13. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2425-10 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING SECTION 36-567.1 ("RESTRICTIONS ON TOBACCO AND E-CIGARETTE RETAILERS") TO CHAPTER 36 ("ZONING ORDINANCE"); AND AMENDING SECTIONS 36-521 ("RO, RESIDENCE-OFFICE DISTRICT"), 36-524 ("C-1, LOCAL COMMERCIAL DISTRICT"), 36-526 ("TC, TOURIST COMMERCIAL DISTRICT"), 36-527 ("CR, RURAL COMMERCIAL DISTRICT"), AND 36-560 ("SPECIAL USES") TO CHAPTER 36 ("ZONING ORDINANCE") OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH RESTRICTIONS ON TOBACCO AND E-CIGARETTE RETAILERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 02/11/2025

REQUESTER: Jason Olsen, Director of Parks and Recreation*

PRESENTER: AshLynn Wilkerson, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2425-10 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING SECTION 36-567.1 ("RESTRICTIONS ON TOBACCO AND E-CIGARETTE RETAILERS") TO CHAPTER 36 ("ZONING ORDINANCE"); AND AMENDING SECTIONS 36-521 ("RO, RESIDENCE-OFFICE DISTRICT"), 36-524 ("C-1, LOCAL COMMERCIAL DISTRICT"), 36-526 ("TC, TOURIST COMMERCIAL DISTRICT"), 36-527 ("CR, RURAL COMMERCIAL DISTRICT"), AND 36-560 ("SPECIAL USES") TO CHAPTER 36 ("ZONING ORDINANCE") OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH RESTRICTIONS ON TOBACCO AND E-CIGARETTE RETAILERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BACKGROUND:

The City of Norman Parks and Recreation Department is actively seeking grant funding opportunities through TSET (Tobacco Settlement Endowment Trust). The grant funding would go to support the construction of the Miracle Field—a custom, adaptive, ADA compliant baseball field to remove barriers and provide opportunities for youth with disabilities to participate in outdoor sports and recreation activities.

In order to achieve these objectives, the City needs to: 1) update two existing ordinances, 16-V Tobacco and 24-311 Prevention of Youth Access to Tobacco And Vapor Products to include updates to State law as well as regulate and prohibit smoking and use of tobacco and vapor products and the smoking or vaping of marijuana on all municipal property; and 2) pass a zoning ordinance imposing certain restrictions on tobacco and e-cigarette retailers to protect youth from the negative health effects of tobacco, nicotine, or vapor products.

All three ordinances must be approved as they are presented in order to achieve the desired level of grant funding (TSET representatives have approved all three ordinances as compliant with the requirements for the highest level of grant funding).

On November 14, 2024, the City of Norman Planning Commission reviewed the proposed zoning ordinance and voted to send it forward for Council consideration.

City staff are scheduled to discuss all the proposed ordinance changes with Council at the February 18, 2025 Study Session prior to the second and final reading of the ordinances.

DISCUSSION:

The restrictions in this Ordinance O-2425-10 come directly from 63 O.S. § 1-229.18 and only regulates the distance (within 300 feet) tobacco and e-cigarette retailers can be located near a school, playground, or other facility when primarily used by persons under twenty-one. This ordinance would not apply retroactively—meaning current tobacco or e-cigarette retailers located within this prohibited distance would be allowed to continue operations and only new retailers would be subject to the distance requirements.

This ordinance proposes to add a new section (36-567.1) to Division 36-V-3 "Additional District Provisions" of Article 36-V "Zoning," to establish the above referenced restriction: "[t]he location of a tobacco or e-cigarette store is specifically prohibited within three hundred feet (300') of any playground, school, or other facility when the facility is being used primarily by persons under twenty-one (21) years of age." This section also establishes the permitted legal non-conforming use for those tobacco and e-cigarette retailers that currently exist within the prohibited distance to the protected areas.

The ordinance then establishes internal references to this new section (36-567.1) in the permitted uses subsections of the applicable zoning districts within Division 36-V-2 "Specific District Regulations" of Article 36. Such zoning districts are RO, C-1—which thereby implicates C-2 and C-3—TC, and CR. The ordinance also establishes the same internal reference to the new section 36-567.1 in section 36-560 "Special Uses" within Division 36-V-3.

RECOMMENDATION:

Staff forwards Ordinance O-2425-10 to Council for consideration.

**CITY OF NORMAN
ORDINANCE O-2425-10**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING SECTION 36-567.1 ("RESTRICTIONS ON TOBACCO AND E-CIGARETTE RETAILERS") TO CHAPTER 36 ("ZONING ORDINANCE"); AND AMENDING SECTIONS 36-521 ("RO, RESIDENCE-OFFICE DISTRICT"), 36-524 ("C-1, LOCAL COMMERCIAL DISTRICT"), 36-526 ("TC, TOURIST COMMERCIAL DISTRICT"), 36-527 ("CR, RURAL COMMERCIAL DISTRICT"), AND 36-560 ("SPECIAL USES") TO CHAPTER 36 ("ZONING ORDINANCE") OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH RESTRICTIONS ON TOBACCO AND E-CIGARETTE RETAILERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

WHEREAS, WHEREAS, in an effort to protect our youth from the negative health effects of tobacco, nicotine or vapor products, the State of Oklahoma has prohibited the sale, distribution or possession of tobacco, nicotine or vapor products for anyone under the age of twenty-one (21) years of age; and

WHEREAS, WHEREAS, the City of Norman, pursuant to 63 O.S. § 1-229.18, is authorized to enact laws prohibiting the distribution of tobacco, nicotine, and vapor products and product samples within three hundred (300) feet of any playground, school, or other facility when it is being used primarily by persons under twenty-one (21); and

WHEREAS, WHEREAS, the City of Norman desires to support and enforce the State of Oklahoma's regulations promulgated to control youth access to tobacco by adopting Ordinance O-2425-10.

NOW THEREFORE, be it ordained by the City Council of the City of Norman, in the State of Oklahoma, as follows:

SECTION 1: **AMENDMENT** "36-521 RO, Residence-Office District" of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-521 RO, Residence-Office District

- (a) *Purposes.* The RO district is designed to provide areas for high density residential development; limited offices, convenience goods stores, and personal service establishments in conjunction with residential uses; primarily in the vicinity of the campus business district.
- (b) *Uses permitted.* Property and buildings in the RO district shall be used only for the

following purposes:

- (1) Any uses permitted in the RM-6 district; provided, however, that the minimum yards established for certain uses in NCC 36-517(b)(2), shall be 20 feet.
- (2) Any use permitted in the R-3 district.
- (3) Artist and photographer studio, but not including the processing of film for others.
- (4) Medical or dental clinic or laboratory.
- (5) Office of non-profit association.
- (6) Office of such professional person as accountant, architect, attorney, business or management consultant, court reporter, dentist or dental surgeon, engineer, geologist or geophysicists, linguist, landscape architect, optometrist without sales, osteopathic physician, planning consultant, psychologist, physician or surgeon, or registered nurse.
- (7) Prescription pharmacy (only when provided in conjunction with subsection (b)(4) of this section).
- (8) Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot.
- (9) Convenience goods and services as follows but only in conjunction with residential uses in a mixed building as qualified below:
 - a. Convenience goods stores, similar to the following uses:
 1. Drugstore or proprietary store;
 2. Florist;
 3. Food store, including bakery (retail only);
 4. Gift, novelty, or souvenir shop;
 5. Hardware store;
 6. Ice vending establishment;
 7. Limited price variety store;
 8. Newsstand;
 9. Paint, glass, or wallpaper store;
 10. Retail spirits store;
 11. Tobacco store.
 - b. Personal service establishments, similar to the following uses:
 1. Barber shop;
 2. Custom dressmaker, milliner, or tailor;
 3. Dry-cleaning pickup or self-service;
 4. Dry-cleaning plant limited to 7,000 square feet of floor area;
 5. Hat cleaning or repair shop;
 6. Laundry pickup or self-service;
 7. Optician or optometrist;
 8. Pressing, alteration, or garment repair;
 9. Shoeshine or repair shop.
 - c. In the case of a mixed building, the floor area devoted to nonresidential uses shall not exceed one-third of the floor area

devoted to residential uses; in calculating such ratio, common areas serving both residential and nonresidential areas shall be excluded.

- (10) Certain requirements for Tobacco and E-Cigarette Retailers. Any use under this Subsection which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-567.1 "Restrictions on Tobacco and E-cigarette Retailers.
- (c) *Special use.* The following uses may be permitted, after review, in accordance with NCC 36-560:
- (1) Direct mail business.
 - (2) Municipal use, public building and public utility.
 - (3) Public or private golf courses, including any country clubs, club houses, or any accessory commercial enterprises.
 - (4) Church, temple or other place of worship.
 - (5) School offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.
 - (6) Type I bed and breakfast establishment.
 - (7) Type II bed and breakfast establishment.
 - (8) Childcare center, as specified in NCC 36-566.
 - (9) Library/museum.
 - (10) Off-street parking lot to be used as open space for vehicular parking, provided that such parking lot is adjacent to the land on which the principal use is located or separated therefrom only by a street or alley if the principal use is in the CO, C-1, C-2, C-3, I-1, I-2, R-1, R-2, or R-3 districts.
 - (11) Fraternal service organization not conducted for profit.
 - (12) Funeral parlor and mortuary.
 - (13) Pre-packaged food store and toiletries within apartment buildings or complexes wherein there are a minimum of 150 dwelling units, provided that:
 - a. Such store is limited to the main floor or below of the building in which it is located;
 - b. There is no direct entrance thereto from any public street, sidewalk or other public way;
 - c. No part of such store, or its entrance, is visible from any public way, street or sidewalk;
 - d. That such store shall not be advertised in any manner;
 - e. In reviewing any application for permission to establish and operate any such store in any apartment building or complex, the following matters shall be considered:
 1. The proximity of other business or commercial districts, and whether or not the proposed store would constitute an independent commercial enterprise, as opposed to any accessory use to the tenants of the apartment complex;
 2. Service entrances for delivery vehicles and adequate space for the parking of customers;

3. The size and character of the apartment building or complex since the tenants thereof will be expected to furnish substantially all of the financial support of such store.

f. Any ordinance hereafter enacted granting permission for the establishment and operation of any pre-packaged food store after review, may set forth restrictions as to the space to be occupied, provisions for the automatic termination of permission for violations, and any other reasonable conditions which to the Commission may seem proper.

(14) Medical marijuana dispensary, Tier I medical marijuana processor, or Tier II medical marijuana processor, as allowed by State law (only when in conjunction with residential uses in a mixed building).

(d) *Area regulations.* Property and buildings in the RO district shall be subject to the following area regulations:

(1) *Front yard.* The minimum front yard shall be ten feet.

(2) *Side yards.* The minimum width of the side yard shall be five feet, except as required for tall buildings by the provisions of subsection (e) of this section.

(3) *Rear yard.* There shall be a rear yard of not less than ten feet; one-story unattached buildings of accessory use shall be set back one foot from the utility easement or alley line, and garage apartments shall be set back ten feet from the rear lot line.

(4) *Lot width.* There shall be a minimum lot width of 50 feet at the building line for a single-family dwelling or for a two-family dwelling, and ten feet additional width for each additional family occupying the lot. Such lot shall abut on a street not less than 35 feet.

(5) *Intensity of residential use; options.*

a. *Large lots.* In the case of a lot which is either at least 40,000 square feet in area or bounded on all sides by streets, alleys, railroads, public lands, or physical barriers, the provisions of either subsection (d)(6) or (7) of this section shall apply, at the option of the applicant for a building permit.

b. *Small lots.* In the case of all other lots, the provisions of subsection (d)(6) of this section shall apply.

(6) *Intensity of residential use; general option.*

a. *Minimum lot area.* The minimum area of a lot for residential use shall be 6,000 square feet, subject to the provisions of NCC 36-544(g).

b. *Floor area ratio.* The ratio of floor area to lot area shall not exceed six-tenths (0.6).

c. *Accessory buildings* shall not cover more than 30 percent of the rear yard.

(7) *Intensity of residential use; large lot option.*

a. The ratio of floor area to the land area of the site shall not exceed

- eight-tenths (0.8).
- b. The ratio of open space to floor area shall be at least 85 hundredths (0.85).
 - c. The ratio of livability space to floor area shall be at least four-tenths (0.4).
 - d. The ratio of recreation space to floor area shall be at least 95 thousandths (0.095).
 - e. Accessory buildings shall not cover more than 30 percent of the rear yard.
- (8) *Intensity of mixed-uses.* The residential portion of a mixed building shall be subject to the intensity provisions of residential buildings. The ratio of the floor area of a mixed building to the area of the lot or the land area shall not exceed the following limits:
- a. General option: 0.80.
 - b. Large lot option: 1.00.
- (9) *Intensity of nonresidential uses.*
- a. *Floor area ratio.* The ratio of the floor area of a nonresidential building to the area of the lot or the land areas shall not exceed the following limits:
 - 1. General option: 1.00.
 - 2. Large lot option: 1.25.
- (10) *Impervious area.* The total amount of impervious area, including all buildings and permanently paved areas shall not cover more than 65 percent of a lot. Paving for parking as required in NCC 36-548, including other impervious surfaces, shall not cover more than 50 percent of the required ten-foot front yard, and comply with NCC 36-550(a)(3). Total impervious area of the front yard can be increased to 70 percent when one or more of the following circumstances occur:
- a. The driveway is needed to access a garage for three or more cars;
 - b. The driveway is part of a circular driveway that includes a landscaped separation from the sidewalk; or
 - c. The driveway is located on a cul-de-sac lot with lot frontage of less than 40 feet.
- (11) *Duplexes.* Within the Central Core Area of the City (see map exhibit to NCC 36-550), any two-family (duplex) structure with four or more bedrooms per unit is required to be sprinkled per the requirement in section P2904 of the International Residential Code (IRC) or NFPA 13D, or as these documents are amended.
- (e) *Height regulations.*
- (1) In the RO district there shall be no limit on height of structures, provided that any portion of a structure exceeding 35 feet in height is set back from side and rear lot lines abutting other property in residential districts at least one-third foot for each additional foot of height.

- (2) Any accessory building shall not exceed a wall height of ten feet unless the required side and rear yard setbacks are increased by one foot for each additional foot of wall height above ten feet; provided, however, that no accessory building shall exceed the height of the principal building to which it is accessory.

- (f) *Plot plans required.* A plot plan shall be submitted with each application of rezoning of land to the RO district. Such plot plans shall reflect as a minimum the information set forth in NCC 36-571(e).

(Ord. No. 2244, 1-27-1970; Ord. No. O-7778-60, 5-2-1978; Ord. No. O-7778-68, 10-3-1978; Ord. No. O-8182-41, 2-9-1982; Ord. No. O-1961; Ord. No. O-8485-22, 10-23-1984; Ord. No. O-8990-42; Ord. No. O-9293-38; Ord. No. O-9596-19, 12-12-1995; Ord. No. O-9697-6, 8-27-1996; Ord. No. O-0708-36, 4-22-2008; Ord. No. O-1718-47, 7-26-2018; Ord. No. O-1718-51, 8-23-2018; Ord. No. O-1819-17, 12-11-2018; Ord. No. O-1920-4, 8-29-2019; Ord. No. O-1920-39, 4-23-2020)

SECTION 2: **AMENDMENT** "36-524 C-1, Local Commercial District" of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-524 C-1, Local Commercial District

- (a) *General description.* This commercial district is intended for the conduct of retail trade and to provide personal services to meet the regular needs and for the convenience of the people of adjacent residential areas. It is anticipated that this district will be the predominately used commercial district in the community. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational, and educational elements, more restrictive requirements for light, air, open space, and off-street parking are made than are provided in other commercial districts.
- (b) *Uses permitted.* Property and buildings in a C-1, Local Commercial District shall be used only for the following purposes:
- (1) Any use permitted in CO, except for medical marijuana testing laboratories, as set forth in NCC 36-523(a)(4).
 - (2) The following uses shall be permitted, provided that no individual use shall exceed a gross floor area of 35,000 square feet and that no outdoor storage or display of materials or goods is permitted:
 - a. Antique shop.
 - b. Appliance store.
 - c. Artist materials supply, or studio.
 - d. Automobile parking lots.

- e. Automobile supply store.
- f. Baby shop.
- g. Bakery goods store.
- h. Bank.
- i. Barber shop, or beauty parlor.
- j. Book or stationery store.
- k. Camera shop.
- l. Candy store.
- m. Catering establishment.
- n. Childcare establishment.
- o. Clothing or apparel store.
- p. Dairy products or ice cream store.
- q. Delicatessen store.
- r. Dress shop.
- s. Drug store or fountain.
- t. Dry-cleaning and laundry plant with no more than three dry-cleaning machines and/or laundry pick-up station.
- u. Dry goods store.
- v. Fabric or notion store.
- w. Florist.
- x. Furniture store.
- y. Gift shop.
- z. Grocery or supermarket.
- aa. Hardware store.
- ab. Hotel or motel.
- ac. Interior decorating store.
- ad. Jewelry shop.
- ae. Key shop.
- af. Leathergoods shop.
- ag. Medical marijuana dispensary, as allowed by State law.
- ah. Messenger or telegraph service.
- ai. Office business.
- aj. Outdoor or indoor courts for handball, racquet ball, tennis, or sports activity of a similar nature (lighted outdoor courts shall not to be operated later in the evening than 10:00 p.m. and lighting must be arranged to direct light away from any adjoining property in a residential district).
- ak. Painting and decorating shop.
 - al. Pet shop.
- am. Pharmacy.
- an. Photographer's studio.
- ao. Radio and television sales and service.
- ap. Restaurant. A restaurant may include live entertainment and/or a

dance floor, (all such activity fully within an enclosed building)
provided the kitchen remains open with full food service whenever
live entertainment is offered.

- aq. Retail spirits store.
- ar. Self-service laundry.
- as. Sewing machine sales.
- at. Sporting goods sales.
- au. Shoe store or repair shop.
- av. Tailor shop.
- aw. Theater (excluding drive-in theaters), including one that sells alcoholic
beverages in compliance with State law.
- ax. Tier I medical marijuana processor, as allowed by State law.
- ay. Tier II medical marijuana processor, as allowed by State law.
- az. Toy store.

- (3) Any other retail store, shop or establishment serving the neighborhood in the
manner Stated above which in the opinion of the Planning Commission is
similar in character to those above-enumerated and is not more obnoxious or
detrimental to the area in which it is located, by reason of noise, offensive
odor, smoke, dust, vibration, traffic congestion or danger to life and property.
- (4) Name plate and sign relating only to the use of the store and premises or
products sold on the premises.
- (5) Accessory buildings used primarily for any of the above-enumerated purposes
may not have more than 40 percent of the floor area devoted to purposes
incidental to such primary use.
- (6) Certain requirements for Tobacco and E-Cigarette Retailers. Any use under
this Subsection which involves a tobacco or e-cigarette store shall comply
with the requirements described under NCC § 36-567.1 "Restrictions on
Tobacco and E-cigarette Retailers.

Note: The following uses are specifically prohibited: Laundry and dry-
cleaning establishments where cleaning or laundering is done on premises,
major auto repairs, and manufacturing.

- (c) *Special use.* The following uses may be permitted, after review, in accordance with
NCC 36-560:

- (1) Emergency medical transportation services.
- (2) Funeral parlor, mortuary, and crematorium so long as the crematorium is
attached to the funeral parlor or mortuary and complies with the following
conditions and requirements:
 - a. Any building which incorporates a crematorium use shall meet the
setback requirements of the underlying zoning district.
 - b. Facilities shall meet all applicable State and federal requirements for
incineration equipment and shall be licensed at all times.
 - c. All storage shall be inside.
 - d. Incinerator stacks shall not be located on the front side of the roof of

any structure facing the street.

- (3) Mixed building in which one or more dwelling units may be located on the second floor, provided that:
 - a. First floor use is a permitted use in the district;
 - b. Only two-story structures are involved;
 - c. The minimum area of a lot shall be 6,000 square feet;
 - d. The ratio of floor area to lot area shall not exceed six-tenths (0.6).
- (4) Automobile service station.
- (5) Any use listed in subsection (b)(2) of this section which exceeds a gross floor area of 35,000 square feet.
- (6) Liquefied petroleum gas sales and storage when such use is clearly subordinate and accessory to the primary usage of the property.
- (7) Municipal use, public buildings and public utility.
- (8) Medical marijuana education facility, as allowed by State law.
- (9) Medical marijuana research facility, as allowed by State law.
- (10) Medical marijuana testing laboratory, as allowed by State law.
- (11) Tier III medical marijuana processor, as allowed by State law.

(d) *Area requirements.*

- (1) *Front yard.* A 25-foot setback is required for all buildings. Across the entire front of all lots (and the street side of any corner lot) in plats filed after November 7, 2005, a minimum ten-foot landscape strip shall be installed, which may not be encroached upon by parking. One eight-foot-tall shade (canopy) tree per each 20 feet of lot frontage and one three-gallon shrub per five feet of building frontage shall be installed within this landscape strip. Clustering of these required plantings may be allowed, if approved by the City Forester or his designee. Such planting should be covered by the three-year maintenance bond required when new landscaping is installed with the parking lot on the same tract. All species are to be approved by the City Forester.
- (2) *Side yard.*
 - a. For uses other than dwelling, no side yard shall be required except on the side of a lot adjoining a dwelling district in which case there shall be a side yard of not less than five feet.
 - b. Whenever the rear lot line of a corner lot of a local business district abuts a dwelling district, the side yard setback adjacent to the street shall be 15 feet.
- (3) *Rear yard.* Rear yard shall not be required for retail establishments; except where a rear lot line abuts upon a dwelling district and the commercial building is designed to be serviced from the rear, there shall be provided a rear yard of not less than 30 feet for lots without alleys and 20 feet for lots with alleys; and further, provided that in no case where the rear lot lines abut a dwelling district shall the commercial building be erected closer than three feet

to the rear lot line.

- (e) *Height regulations.* Except, as provided in NCC 36-546, no building shall exceed 2 1/2 stories or 35 feet in height.

(Ord. No. O-8485-62, 2-5-1985; Ord. No. O-8485-89, 6-11-1985; Ord. No. O-9192-17, 11-12-1991; Ord. No. O-9192-18, 11-12-1991; Ord. No. O-9596-19, 12-12-1995; Ord. No. O-9697-51, 6-10-1997; Ord. No. O-0102-26, 3-12-2002; Ord. No. O-0102-51, 6-25-2002; Ord. No. O-0203-46, 5-27-2003; Ord. No. O-0304-29, 10-28-2003; Ord. No. O-0405-60, 9-27-2005; Ord. No. O-1314-13, 11-22-2013; Ord. No. O-1617-31, 5-23-2017; Ord. No. O-1718-51, 8-23-2018; Ord. No. O-1819-17, 12-11-2018; Ord. No. O-1920-4, 8-29-2019; Ord. No. O-1920-39, 4-23-2020; Ord. No. O-1920-45, 7-23-2020; Ord. No. O-1971)

SECTION 3: AMENDMENT "36-526 TC, Tourist Commercial District" of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-526 TC, Tourist Commercial District

- (a) *General description.* This district is intended to accommodate the grouping of those commercial activities necessary to supply the normal needs of tourists, and to protect these against other incompatible commercial uses. This district is intended to be located in defined areas and will be permitted at the intersection of primary arterials or highways and section line roads east of 72nd Avenue East which serve as the primary entrances of major public recreational areas. For the purpose of this chapter, only State Highway No. 9, Alameda Drive, and 120th Avenue North shall be designated as primary entrances to major public recreational areas.

- (b) *Uses permitted.*

- (1) Any of the following uses:

- a. Amusement enterprises.
- b. Boat and marine sales and service.
- c. Cafeteria or restaurant.
- d. Drive-in restaurant.
- e. Dry dock boat storage.
- f. Gift, novelty or souvenir store.
- g. Hotel, motel, tourist court.
- h. Ice dispensing machine (and other outdoor-type automatic vending machines).
- i. Medical Marijuana Dispensary, as allowed by State law.
- j. Miniature golf course.
- k. Offices accessory to main use.

- l. Parks or playgrounds.
 - m. Parking lot or structure, non-commercial accessory to and within 200 feet.
 - n. Pre-packaged food store.
 - o. Service station.
 - p. Tier I medical marijuana processor, as allowed by State law.
 - q. Tier II medical marijuana processor, as allowed by State law.
 - r. Travel trailer court.
 - s. Sporting goods store, including sale of live bait.
 - t. Childcare center, as specified in NCC 36-566.
 - u. Short-term rentals.
- (2) Any use which, in the opinion of the Planning Commission, would be similar in character to those above-enumerated and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property than those uses enumerated above.
- (3) Certain requirements for Tobacco and E-Cigarette Retailers. Any use under this Subsection which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-567.1 "Restrictions on Tobacco and E-cigarette Retailers."
- (c) *Special use.* The following uses may be permitted, after review, in accordance with NCC 36-560:
- (1) Any permitted use in NCC 36-526(b) which exceeds 35 feet in height.
 - (2) Live entertainment venue.
 - (3) Laundry, self service, in conjunction with travel trailer court.
 - (4) Nightclub or tavern.
 - (5) Liquefied petroleum gas sales and storage when such use is clearly subordinate and accessory to the primary usage of the property.
 - (6) Municipal use, public buildings and public utility.
- (d) *Area regulations.*
- (1) *Front yard.* The minimum front yard shall be 50 feet or 100 feet from the center line of the public street or road, whichever distance shall be the greater.
 - (2) *Side yard.* The minimum side yard shall be 25 feet.
 - (3) *Rear yard.* The minimum rear yard shall be 50 feet.
 - (4) *Lot width.* The minimum lot width shall be 150 feet measured at the front building line.
- (e) *Height regulations.* Except, as provided in NCC 36-546, or 36-526(c), no building shall exceed 35 feet in height.
- (f) *Special provisions.*
- (1) There shall be no outdoor storage, display, or use within any required front, side or rear yard setback other than parking, loading and unloading, and landscaping.
 - (2) Off-street parking requirements shall be the standards prescribed in NCC 36-

548.

(Ord. No. O-9192-17, 11-12-1991; Ord. No. O-9596-19, 12-12-1995; Ord. No. O-1617-31, 5-23-2017; Ord. No. O-1819-17, 12-11-2018; Ord. No. O-1920-4, 8-29-2019; Ord. No. O-1920-39, 4-23-2020; Ord. No. O-1920-45, 7-23-2020; Ord. No. O-0102-51)

SECTION 4: **AMENDMENT** "36-527 CR, Rural Commercial District" of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-527 CR, Rural Commercial District

- (a) *General description.* This commercial district is intended for the conduct of retail trade and to provide personal services to meet the regular needs and convenience of rural residents. It is anticipated that this district will be the predominately used commercial district in rural Norman. It is intended that this zoning district be located at the intersection of improved section line roads.
- (b) *Uses permitted.* Property and buildings in a CR, Rural Commercial District shall be used only for the following purposes:
- (1) No individual use shall exceed a gross floor area of 35,000 square feet:
 - a. Artist material supply, studio or hobby shop.
 - b. Automobile service station.
 - c. Bank.
 - d. Barber shop, or beauty parlor.
 - e. Childcare center.
 - f. Clothing and dry goods store.
 - g. Farm feed store.
 - h. Firewood sales.
 - i. Florist.
 - j. Grocery or supermarket.
 - k. Hardware store.
 - l. Key shop.
 - m. Medical marijuana dispensary, as allowed by State law.
 - n. Office building and offices for such professional services as accountant, architect, attorney, business or management consultant, court reporter, dentist or dental surgeon, engineer, geologist or geophysicist, linguist, landscape architect, optometrist, optician, osteopathic physician, planning consultant, psychologist, physician or surgeon, or registered nurse. Funeral homes and mortuaries shall not be considered professional services permitted in this district.

- o. Pharmacy.
 - p. Plant nursery.
 - q. News stand and tobacco store.
 - r. Restaurant.
 - s. Retail spirits store.
 - t. Shoe store or repair shop.
 - u. Tier I medical marijuana processor, as allowed by State law.
 - v. Tier II medical marijuana processor, as allowed by State law.
- (2) Any uses which, in the opinion of the Planning Commission, would be similar in character to those above-enumerated and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion, or danger to life and property than those uses enumerated above.
- (3) Certain requirements for Tobacco and E-Cigarette Retailers. Any use under this Subsection which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-567.1 "Restrictions on Tobacco and E-cigarette Retailers.
- (c) *Special use.* The following uses may be permitted, after review, in accordance with NCC 36-560:
- (1) Any use listed in NCC 36-527(b)(1) which exceeds a gross floor area of 35,000 square feet.
 - (2) Any use listed in NCC 36-527(b)(1) which exceeds 35 feet in height.
 - (3) Automobile sales and service.
 - (4) Boat sales and services.
 - (5) Farm implement sales and service.
 - (6) Theater, indoor, including one that sells alcoholic beverages in compliance with State law.
 - (7) Veterinary hospital.
 - (8) Liquefied petroleum gas sales and storage when such use is clearly subordinate and accessory to the primary usage of the property.
 - (9) Municipal use, public buildings and public utility.
 - (10) Medical marijuana commercial grower, as allowed by State law.
 - (11) Medical marijuana education facility (cultivation activities only), as allowed by State law.
- (d) *Area regulations.*
- (1) *Front yard.* The minimum front yard shall be 50 feet or 100 feet from the center line of the public street or road, whichever distance shall be the greater.
 - (2) *Side yard.* The minimum side yard shall be 25 feet.
 - (3) *Rear yard.* The minimum rear yard shall be 50 feet.
 - (4) *Lot width.* The minimum lot width shall be 150 feet measured at the front building line.
- (e) *Height regulations.* Except, as provided in NCC 36-546 or 36-527(c), no building shall exceed 35 feet in height.

(Ord. No. O-8485-32; Ord. No. O-9192-17, 11-12-1991; Ord. No. O-9596-19, 12-12-1995; Ord. No. O-1617-31, 5-23-2017; Ord. No. O-1718-51, 8-23-2018; Ord. No. O-1819-17, 12-11-2018; Ord. No. O-1920-4, 8-29-2019; Ord. No. O-1920-39, 4-23-2020)

SECTION 5: **AMENDMENT** "36-560 Special Uses" of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-560 Special Uses

Any use designated as a special use under any zoning district is not appropriate for each and every parcel of land which is included in the pertinent zoning district. However, upon review, the City Council may determine that one or more special uses should be approved for a specific parcel of land. Such approval, by ordinance duly adopted by the City Council, may come after a public notice and a hearing by the Planning Commission. Any such approval may be made conditional on the subject parcel of land meeting and maintaining specific requirements and/or conditions.

- (a) *Application and fee.* Application for a special use shall be filed with the Director of Planning and Community Development Department. The application shall include the following:
- (1) Name and address of the owner, and also applicant if different from the owner.
(The City may initiate the application.)
 - (2) Address and legal description of the property.
 - (3) If the applicant is not the legal owner of the property, a statement that the applicant is either the authorized agent for the owner of the property or has a lawful right to acquire use and possession of the property.
 - (4) A statement describing the nature and operating characteristics of the proposed special uses. For uses potentially generating high volumes of vehicular traffic, the Director may require specific information relative to the anticipated peak loads and peak use periods, the ability of the use to meet performance standards, or substantiating the adequacy of proposed parking, loading, and circulation facilities.
 - (5) A site plan, drawn to scale, showing the location and dimensions of boundary lines, with distances and bearings, easements, required yards and setbacks, and all existing and proposed buildings, parking and loading areas, ingress and egress, the location of existing and proposed landscaped areas, utility or service areas, fencing and screening, signs and lighting.
 - (6) Application for a special use and for rezoning for the same property may be made concurrently, subject to the fees applicable to both a special use and rezoning. The Planning Commission shall hold the public hearing on the

rezoning and the special uses at the same meeting and may combine the two hearings. If the City Council modifies a recommendation of the Commission on a concurrent zoning reclassification, the special uses application may, if the City Council deems it necessary, be referred back to the Planning Commission in the same manner as a new application; provided, however, that no additional fee shall be required.

(7) A filing fee of \$400.00, plus \$10.00 per acre.

(8) In order to properly evaluate the proposed special uses, the Planning Director may require the following additional information:

- a. Preliminary building elevations for all new or renovated structures, indicating height, bulk, and general appearance.
- b. Preliminary improvement plans for any alteration of existing watercourses or drainage features, proposed streets and alleys, and the location of the 100-year floodplain.
- c. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.

(b) *Review and evaluation criteria.* The Planning Commission shall review and evaluate any special use proposal and recommend to the City Council using the following criteria:

- (1) Conformance with applicable regulations and standards established by this article.
- (2) Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.
- (3) Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use. (Note: Throughout this section, the term "permitted use" means any use authorized as a matter of right under the applicable zoning district.)
- (4) Modifications to the site plan which would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulations and standards and to protect the public health, safety, morals, and general welfare.
- (5) Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed special use and other uses authorized and anticipated in the area, considering existing zoning and land uses in the area.
- (6) That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed special use with existing or permitted uses in the surrounding area.

(c) *Planning commission hearing and recommendation.* The Planning Commission shall

hold a public hearing on each application for a special use. Public notification requirements shall be the same as a rezoning procedure. At the public hearing, the Commission shall review the application and shall receive public comments concerning the proposed use and the proposed conditions under which it would be operated or maintained. The Planning Commission may recommend that the City Council establish conditions of approval. Conditions may include, but shall not be limited to, requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation, regulation of signs; regulation of hours or other characteristics of operation; and such other conditions as the Commission may deem necessary to ensure compatibility with surrounding uses, and to preserve the public health, safety, and welfare.

- (d) *City Council approval.* Granting a special use shall be considered a privilege bestowed by the City Council for a specific use at a specific location. Special uses may be granted by the City Council with such requirements and/or conditions, as the Council deems appropriate. Such requirements and/or conditions shall be continually complied with by the applicant and his successors and assigns. At the time of issuance of a certificate of occupancy for the initial operation of a special use, the City shall cause the property legal description and conditions of approval established by the City Council to be filed in the Tract Index of the County Clerk's office. Prior to such filing, the applicant shall be afforded an opportunity to review the instrument to be filed, for correctness.
- (e) *Violations.* For any reason, if any requirement or condition specified in the authorizing special use ordinance is violated, said violation constitutes a violation of this chapter and subjects the violator to the fines and penalties contained herein. Further, such a violation constitutes grounds for the City Council to remove or amend, by ordinance, the previously authorized special use and any concurrent rezoning.
 - (1) If it is determined by the Planning Director or the City Manager that there is a violation of any applicable provision of this section, or a failure to comply with conditions imposed by any special use ordinance on the property, then the Planning Director or the City Manager may initiate any or all of the following actions to remedy the situation, including:
 - a. Specify the nature and extent of any such violations and specify reasonable time to correct such violations;
 - b. Report such violations to the Code Enforcement Official and initiate action in the same manner as any other violation of this chapter;
 - c. Schedule a public hearing before the City Council to review such matter and consider revocation, by ordinance, of the granting of a special use for said property.
 - (2) Whenever any one or more of the foregoing actions is initiated, notice shall be given to the property owner of record by any means then authorized by the

State Pleading Code for service of summons in a civil action. Further, if the property is occupied, such notice shall also be given, by first-class mail or hand-delivery, addressed to "Tenant, Owner, or Manager" at the property address.

(f) *Expiration for non-use.*

- (1) The authority to issue initial construction or initial occupancy permits pursuant to the granting of a special use shall expire two years after the City Council approves the special use, unless the City Council includes a different time limit as a specific condition of approval. This time period to initially establish a special use may be extended for a maximum of an additional two years by action of the City Council, upon receipt of a timely request from the owner of said property, when it determines that conditions have not substantially changed since the time of original approval.
- (2) In any case where the special use is not activated in accordance with the times specified in the preceding section, or where the special use has been discontinued for two continuous years, then authority for such a special use ceases to exist and the owner must reapply in order to establish or re-establish said special use.

(g) *Change of ownership.* A special use may be transferred to a new owner provided:

- (1) Written notification is sent to the Planning Director indicating date of transfer, name and address of new owner, and a statement acknowledging any conditions attached to the special use and the intent to continuously comply;
- (2) A transfer fee is paid; and
- (3) An inspection of the property reveals continued compliance with all original conditions.

(h) *Special uses which were formerly described as uses permitted on review or conditional use permits.*

- (1) A use legally established pursuant to a conditional use permit or permissive use rezoning prior to the date of adoption of these zoning regulations shall be deemed pre-existing and, shall be permitted to continue, provided that it is operated and maintained in accordance with any conditions prescribed at the time of its establishment. If such a structure is destroyed by fire, explosions, or act of God, it may be rebuilt, if compliance with all conditions stipulated in its enabling ordinance are complied with.
- (2) Expansion of a pre-existing permissive use or conditional use permit shall be permitted only upon the granting of a special use as prescribed in these regulations.

(i) *Certain requirements for Tobacco and E-Cigarette Retailers.* Any use under this Section which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-567.1 "Restrictions on Tobacco and E-cigarette Retailers.

(Ord. No. O-9596-11, 10-24-1995)

SECTION 6: **ADOPTION** "36-567.1 Restrictions On Tobacco And E-Cigarette Retailers" of the City of Norman Municipal Code is hereby *added* as follows:

ADOPTION

36-567.1 Restrictions On Tobacco And E-Cigarette Retailers(Added)

- (a) Definitions. For the purposes of this Subsection only, the following meanings shall apply:
- (1) School means any property, building, permanent structure, facility, auditorium, stadium, arena or recreational facility owned, leased or under the control of a public school district or private school or any educational facility that is accredited by the state of Oklahoma.
 - a. School shall include all licensed childcare facilities, kindergartens, elementary schools, which may include either K-6 or K-8, and all secondary schools
 - b. School shall include any institution within the Oklahoma State System of Higher Education or any other public or private college or university that is accredited by a national accrediting body.
 - (2) Playgrounds means any area used for outdoor play or recreation, especially by children, and often containing recreational equipment such as slides and swings.
 - (3) Tobacco product means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. Tobacco product also means electronic smoking devices and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, and liquids used in electronic smoking devices, whether or not they contain nicotine. Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.
 - (4) Electronic smoking device means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices,

or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

- (b) A business license issued by the City of Norman shall only be located or operated at locations permitted by the City's zoning or planning laws. The location of a tobacco or e-cigarette store is specifically prohibited within three hundred feet (300') of any playground, school, or other facility when the facility is being used primarily by persons under twenty-one (21) years of age. The distance shall be measured as the shortest straight line distance from the property line of the proposed tobacco or e-cigarette store to the property line of the entities listed below:

- (1) Public or Private School
- (2) Playgrounds
- (3) Facility used primarily by persons under twenty-one (21) years of age

- (c) Legal Non-conforming Use. Current license tobacco or e-cigarette store(s) within three hundred feet (300') of the above described locations are permitted to continue operations despite this amendment to the zoning ordinance. If a current license tobacco/ or e-cigarette store is sold, then the new owner would no longer be able to use the legal non-conforming use to obtain a license.

SECTION 7: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 8: EFFECTIVE DATE This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF NORMAN CITY COUNCIL

AYE

NAY

ABSENT

ABSTAIN

Presiding Officer

Attest

Larry Heikkila, Mayor, City of
Norman

Brenda Hall, City Clerk, City of
Norman

**CITY OF NORMAN
ORDINANCE O-2425-10**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING SECTION 36-567.1 ("RESTRICTIONS ON TOBACCO AND E-CIGARETTE RETAILERS") TO CHAPTER 36 ("ZONING ORDINANCE"); AND AMENDING SECTIONS 36-521 ("RO, RESIDENCE-OFFICE DISTRICT"), 36-524 ("C-1, LOCAL COMMERCIAL DISTRICT"), 36-526 ("TC, TOURIST COMMERCIAL DISTRICT"), 36-527 ("CR, RURAL COMMERCIAL DISTRICT"), AND 36-560 ("SPECIAL USES") TO CHAPTER 36 ("ZONING ORDINANCE") OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH RESTRICTIONS ON TOBACCO AND E-CIGARETTE RETAILERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

WHEREAS, WHEREAS, in an effort to protect our youth from the negative health effects of tobacco, nicotine or vapor products, the State of Oklahoma has prohibited the sale, distribution or possession of tobacco, nicotine or vapor products for anyone under the age of twenty-one (21) years of age; and

WHEREAS, WHEREAS, the City of Norman, pursuant to 63 O.S. § 1-229.18, is authorized to enact laws prohibiting the distribution of tobacco, nicotine, and vapor products and product samples within three hundred (300) feet of any playground, school, or other facility when it is being used primarily by persons under twenty-one (21); and

WHEREAS, WHEREAS, the City of Norman desires to support and enforce the State of Oklahoma's regulations promulgated to control youth access to tobacco by adopting Ordinance O-2425-10.

NOW THEREFORE, be it ordained by the City Council of the City of Norman, in the State of Oklahoma, as follows:

SECTION 1: **AMENDMENT** "36-521 RO, Residence-Office District" of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-521 RO, Residence-Office District

- (a) *Purposes.* The RO district is designed to provide areas for high density residential development; limited offices, convenience goods stores, and personal service establishments in conjunction with residential uses; primarily in the vicinity of the campus business district.
- (b) *Uses permitted.* Property and buildings in the RO district shall be used only for the following purposes:

- (1) Any uses permitted in the RM-6 district; provided, however, that the minimum yards established for certain uses in NCC 36-517(b)(2), shall be 20 feet.
- (2) Any use permitted in the R-3 district.
- (3) Artist and photographer studio, but not including the processing of film for others.
- (4) Medical or dental clinic or laboratory.
- (5) Office of non-profit association.
- (6) Office of such professional person as accountant, architect, attorney, business or management consultant, court reporter, dentist or dental surgeon, engineer, geologist or geophysicists, linguist, landscape architect, optometrist without sales, osteopathic physician, planning consultant, psychologist, physician or surgeon, or registered nurse.
- (7) Prescription pharmacy (only when provided in conjunction with subsection (b)(4) of this section).
- (8) Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot.
- (9) Convenience goods and services as follows but only in conjunction with residential uses in a mixed building as qualified below:
 - a. Convenience goods stores, similar to the following uses:
 1. Drugstore or proprietary store;
 2. Florist;
 3. Food store, including bakery (retail only);
 4. Gift, novelty, or souvenir shop;
 5. Hardware store;
 6. Ice vending establishment;
 7. Limited price variety store;
 8. Newsstand;
 9. Paint, glass, or wallpaper store;
 10. Retail spirits store;
 11. Tobacco store.
 - b. Personal service establishments, similar to the following uses:
 1. Barber shop;
 2. Custom dressmaker, milliner, or tailor;
 3. Dry-cleaning pickup or self-service;
 4. Dry-cleaning plant limited to 7,000 square feet of floor area;
 5. Hat cleaning or repair shop;
 6. Laundry pickup or self-service;
 7. Optician or optometrist;
 8. Pressing, alteration, or garment repair;
 9. Shoeshine or repair shop.
 - c. In the case of a mixed building, the floor area devoted to nonresidential uses shall not exceed one-third of the floor area devoted to residential uses; in calculating such ratio, common areas serving both residential and nonresidential areas shall be excluded.
- (10) Certain requirements for Tobacco and E-Cigarette Retailers. Any use under

this Subsection which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-567.1 "Restrictions on Tobacco and E-cigarette Retailers.

(c) *Special use.* The following uses may be permitted, after review, in accordance with NCC 36-560:

- (1) Direct mail business.
- (2) Municipal use, public building and public utility.
- (3) Public or private golf courses, including any country clubs, club houses, or any accessory commercial enterprises.
- (4) Church, temple or other place of worship.
- (5) School offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.
- (6) Type I bed and breakfast establishment.
- (7) Type II bed and breakfast establishment.
- (8) Childcare center, as specified in NCC 36-566.
- (9) Library/museum.
- (10) Off-street parking lot to be used as open space for vehicular parking, provided that such parking lot is adjacent to the land on which the principal use is located or separated therefrom only by a street or alley if the principal use is in the CO, C-1, C-2, C-3, I-1, I-2, R-1, R-2, or R-3 districts.
- (11) Fraternal service organization not conducted for profit.
- (12) Funeral parlor and mortuary.
- (13) Pre-packaged food store and toiletries within apartment buildings or complexes wherein there are a minimum of 150 dwelling units, provided that:
 - a. Such store is limited to the main floor or below of the building in which it is located;
 - b. There is no direct entrance thereto from any public street, sidewalk or other public way;
 - c. No part of such store, or its entrance, is visible from any public way, street or sidewalk;
 - d. That such store shall not be advertised in any manner;
 - e. In reviewing any application for permission to establish and operate any such store in any apartment building or complex, the following matters shall be considered:
 1. The proximity of other business or commercial districts, and whether or not the proposed store would constitute an independent commercial enterprise, as opposed to any accessory use to the tenants of the apartment complex;
 2. Service entrances for delivery vehicles and adequate space for the parking of customers;
 3. The size and character of the apartment building or complex since the tenants thereof will be expected to furnish substantially all of the financial support of such store.
 - f. Any ordinance hereafter enacted granting permission for the

establishment and operation of any pre-packaged food store after review, may set forth restrictions as to the space to be occupied, provisions for the automatic termination of permission for violations, and any other reasonable conditions which to the Commission may seem proper.

- (14) Medical marijuana dispensary, Tier I medical marijuana processor, or Tier II medical marijuana processor, as allowed by State law (only when in conjunction with residential uses in a mixed building).
- (d) *Area regulations.* Property and buildings in the RO district shall be subject to the following area regulations:
- (1) *Front yard.* The minimum front yard shall be ten feet.
 - (2) *Side yards.* The minimum width of the side yard shall be five feet, except as required for tall buildings by the provisions of subsection (e) of this section.
 - (3) *Rear yard.* There shall be a rear yard of not less than ten feet; one-story unattached buildings of accessory use shall be set back one foot from the utility easement or alley line, and garage apartments shall be set back ten feet from the rear lot line.
 - (4) *Lot width.* There shall be a minimum lot width of 50 feet at the building line for a single-family dwelling or for a two-family dwelling, and ten feet additional width for each additional family occupying the lot. Such lot shall abut on a street not less than 35 feet.
 - (5) *Intensity of residential use; options.*
 - a. *Large lots.* In the case of a lot which is either at least 40,000 square feet in area or bounded on all sides by streets, alleys, railroads, public lands, or physical barriers, the provisions of either subsection (d)(6) or (7) of this section shall apply, at the option of the applicant for a building permit.
 - b. *Small lots.* In the case of all other lots, the provisions of subsection (d)(6) of this section shall apply.
 - (6) *Intensity of residential use; general option.*
 - a. *Minimum lot area.* The minimum area of a lot for residential use shall be 6,000 square feet, subject to the provisions of NCC 36-544(g).
 - b. *Floor area ratio.* The ratio of floor area to lot area shall not exceed six-tenths (0.6).
 - c. *Accessory buildings* shall not cover more than 30 percent of the rear yard.
 - (7) *Intensity of residential use; large lot option.*
 - a. The ratio of floor area to the land area of the site shall not exceed eight-tenths (0.8).
 - b. The ratio of open space to floor area shall be at least 85 hundredths (0.85).
 - c. The ratio of livability space to floor area shall be at least four-tenths (0.4).
 - d. The ratio of recreation space to floor area shall be at least 95 thousandths (0.095).

- e. Accessory buildings shall not cover more than 30 percent of the rear yard.
- (8) *Intensity of mixed-uses.* The residential portion of a mixed building shall be subject to the intensity provisions of residential buildings. The ratio of the floor area of a mixed building to the area of the lot or the land area shall not exceed the following limits:
 - a. General option: 0.80.
 - b. Large lot option: 1.00.
- (9) *Intensity of nonresidential uses.*
 - a. *Floor area ratio.* The ratio of the floor area of a nonresidential building to the area of the lot or the land areas shall not exceed the following limits:
 - 1. General option: 1.00.
 - 2. Large lot option: 1.25.
- (10) *Impervious area.* The total amount of impervious area, including all buildings and permanently paved areas shall not cover more than 65 percent of a lot. Paving for parking as required in NCC 36-548, including other impervious surfaces, shall not cover more than 50 percent of the required ten-foot front yard, and comply with NCC 36-550(a)(3). Total impervious area of the front yard can be increased to 70 percent when one or more of the following circumstances occur:
 - a. The driveway is needed to access a garage for three or more cars;
 - b. The driveway is part of a circular driveway that includes a landscaped separation from the sidewalk; or
 - c. The driveway is located on a cul-de-sac lot with lot frontage of less than 40 feet.
- (11) *Duplexes.* Within the Central Core Area of the City (see map exhibit to NCC 36-550), any two-family (duplex) structure with four or more bedrooms per unit is required to be sprinkled per the requirement in section P2904 of the International Residential Code (IRC) or NFPA 13D, or as these documents are amended.
- (e) *Height regulations.*
 - (1) In the RO district there shall be no limit on height of structures, provided that any portion of a structure exceeding 35 feet in height is set back from side and rear lot lines abutting other property in residential districts at least one-third foot for each additional foot of height.
 - (2) Any accessory building shall not exceed a wall height of ten feet unless the required side and rear yard setbacks are increased by one foot for each additional foot of wall height above ten feet; provided, however, that no accessory building shall exceed the height of the principal building to which it is accessory.
- (f) *Plot plans required.* A plot plan shall be submitted with each application of rezoning of land to the RO district. Such plot plans shall reflect as a minimum the information set forth in NCC 36-571(e).

(Ord. No. 2244, 1-27-1970; Ord. No. O-7778-60, 5-2-1978; Ord. No. O-7778-68, 10-3-1978; Ord. No. O-8182-41, 2-9-1982; Ord. No. O-1961; Ord. No. O-8485-22, 10-23-1984; Ord. No. O-8990-42; Ord. No. O-9293-38; Ord. No. O-9596-19, 12-12-1995; Ord. No. O-9697-6, 8-27-1996; Ord. No. O-0708-36, 4-22-2008; Ord. No. O-1718-47, 7-26-2018; Ord. No. O-1718-51, 8-23-2018; Ord. No. O-1819-17, 12-11-2018; Ord. No. O-1920-4, 8-29-2019; Ord. No. O-1920-39, 4-23-2020)

SECTION 2: **AMENDMENT** "36-524 C-1, Local Commercial District" of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-524 C-1, Local Commercial District

- (a) *General description.* This commercial district is intended for the conduct of retail trade and to provide personal services to meet the regular needs and for the convenience of the people of adjacent residential areas. It is anticipated that this district will be the predominately used commercial district in the community. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational, and educational elements, more restrictive requirements for light, air, open space, and off-street parking are made than are provided in other commercial districts.
- (b) *Uses permitted.* Property and buildings in a C-1, Local Commercial District shall be used only for the following purposes:
- (1) Any use permitted in CO, except for medical marijuana testing laboratories, as set forth in NCC 36-523(a)(4).
 - (2) The following uses shall be permitted, provided that no individual use shall exceed a gross floor area of 35,000 square feet and that no outdoor storage or display of materials or goods is permitted:
 - a. Antique shop.
 - b. Appliance store.
 - c. Artist materials supply, or studio.
 - d. Automobile parking lots.
 - e. Automobile supply store.
 - f. Baby shop.
 - g. Bakery goods store.
 - h. Bank.
 - i. Barber shop, or beauty parlor.
 - j. Book or stationery store.
 - k. Camera shop.
 - l. Candy store.
 - m. Catering establishment.
 - n. Childcare establishment.

- o. Clothing or apparel store.
- p. Dairy products or ice cream store.
- q. Delicatessen store.
- r. Dress shop.
- s. Drug store or fountain.
- t. Dry-cleaning and laundry plant with no more than three dry-cleaning machines and/or laundry pick-up station.
- u. Dry goods store.
- v. Fabric or notion store.
- w. Florist.
- x. Furniture store.
- y. Gift shop.
- z. Grocery or supermarket.
- aa. Hardware store.
- ab. Hotel or motel.
- ac. Interior decorating store.
- ad. Jewelry shop.
- ae. Key shop.
- af. Leathergoods shop.
- ag. Medical marijuana dispensary, as allowed by State law.
- ah. Messenger or telegraph service.
- ai. Office business.
- aj. Outdoor or indoor courts for handball, racquet ball, tennis, or sports activity of a similar nature (lighted outdoor courts shall not be operated later in the evening than 10:00 p.m. and lighting must be arranged to direct light away from any adjoining property in a residential district).
- ak. Painting and decorating shop.
- al. Pet shop.
- am. Pharmacy.
- an. Photographer's studio.
- ao. Radio and television sales and service.
- ap. Restaurant. A restaurant may include live entertainment and/or a dance floor, (all such activity fully within an enclosed building) provided the kitchen remains open with full food service whenever live entertainment is offered.
- aq. Retail spirits store.
- ar. Self-service laundry.
- as. Sewing machine sales.
- at. Sporting goods sales.
- au. Shoe store or repair shop.
- av. Tailor shop.
- aw. Theater (excluding drive-in theaters), including one that sells alcoholic beverages in compliance with State law.
- ax. Tier I medical marijuana processor, as allowed by State law.

- ay. Tier II medical marijuana processor, as allowed by State law.
- az. Toy store.

- (3) Any other retail store, shop or establishment serving the neighborhood in the manner Stated above which in the opinion of the Planning Commission is similar in character to those above-enumerated and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property.
- (4) Name plate and sign relating only to the use of the store and premises or products sold on the premises.
- (5) Accessory buildings used primarily for any of the above-enumerated purposes may not have more than 40 percent of the floor area devoted to purposes incidental to such primary use.
- (6) Certain requirements for Tobacco and E-Cigarette Retailers. Any use under this Subsection which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-567.1 "Restrictions on Tobacco and E-cigarette Retailers.

Note: The following uses are specifically prohibited: Laundry and dry-cleaning establishments where cleaning or laundering is done on premises, major auto repairs, and manufacturing.

- (c) *Special use.* The following uses may be permitted, after review, in accordance with NCC 36-560:

- (1) Emergency medical transportation services.
- (2) Funeral parlor, mortuary, and crematorium so long as the crematorium is attached to the funeral parlor or mortuary and complies with the following conditions and requirements:
 - a. Any building which incorporates a crematorium use shall meet the setback requirements of the underlying zoning district.
 - b. Facilities shall meet all applicable State and federal requirements for incineration equipment and shall be licensed at all times.
 - c. All storage shall be inside.
 - d. Incinerator stacks shall not be located on the front side of the roof of any structure facing the street.
- (3) Mixed building in which one or more dwelling units may be located on the second floor, provided that:
 - a. First floor use is a permitted use in the district;
 - b. Only two-story structures are involved;
 - c. The minimum area of a lot shall be 6,000 square feet;
 - d. The ratio of floor area to lot area shall not exceed six-tenths (0.6).
- (4) Automobile service station.
- (5) Any use listed in subsection (b)(2) of this section which exceeds a gross floor area of 35,000 square feet.
- (6) Liquified petroleum gas sales and storage when such use is clearly subordinate and accessory to the primary usage of the property.
- (7) Municipal use, public buildings and public utility.
- (8) Medical marijuana education facility, as allowed by State law.

- (9) Medical marijuana research facility, as allowed by State law.
- (10) Medical marijuana testing laboratory, as allowed by State law.

(11) Tier III medical marijuana processor, as allowed by State law.

(d) *Area requirements.*

(1) *Front yard.* A 25-foot setback is required for all buildings. Across the entire front of all lots (and the street side of any corner lot) in plats filed after November 7, 2005, a minimum ten-foot landscape strip shall be installed, which may not be encroached upon by parking. One eight-foot-tall shade (canopy) tree per each 20 feet of lot frontage and one three-gallon shrub per five feet of building frontage shall be installed within this landscape strip. Clustering of these required plantings may be allowed, if approved by the City Forester or his designee. Such planting should be covered by the three-year maintenance bond required when new landscaping is installed with the parking lot on the same tract. All species are to be approved by the City Forester.

(2) *Side yard.*

- a. For uses other than dwelling, no side yard shall be required except on the side of a lot adjoining a dwelling district in which case there shall be a side yard of not less than five feet.
- b. Whenever the rear lot line of a corner lot of a local business district abuts a dwelling district, the side yard setback adjacent to the street shall be 15 feet.

(3) *Rear yard.* Rear yard shall not be required for retail establishments; except where a rear lot line abuts upon a dwelling district and the commercial building is designed to be serviced from the rear, there shall be provided a rear yard of not less than 30 feet for lots without alleys and 20 feet for lots with alleys; and further, provided that in no case where the rear lot lines abut a dwelling district shall the commercial building be erected closer than three feet to the rear lot line.

(e) *Height regulations.* Except, as provided in NCC 36-546, no building shall exceed 2 1/2 stories or 35 feet in height.

(Ord. No. O-8485-62, 2-5-1985; Ord. No. O-8485-89, 6-11-1985; Ord. No. O-9192-17, 11-12-1991; Ord. No. O-9192-18, 11-12-1991; Ord. No. O-9596-19, 12-12-1995; Ord. No. O-9697-51, 6-10-1997; Ord. No. O-0102-26, 3-12-2002; Ord. No. O-0102-51, 6-25-2002; Ord. No. O-0203-46, 5-27-2003; Ord. No. O-0304-29, 10-28-2003; Ord. No. O-0405-60, 9-27-2005; Ord. No. O-1314-13, 11-22-2013; Ord. No. O-1617-31, 5-23-2017; Ord. No. O-1718-51, 8-23-2018; Ord. No. O-1819-17, 12-11-2018; Ord. No. O-1920-4, 8-29-2019; Ord. No. O-1920-39, 4-23-2020; Ord. No. O-1920-45, 7-23-2020; Ord. No. O-1971)

SECTION 3: **AMENDMENT** "36-526 TC, Tourist Commercial District" of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-526 TC, Tourist Commercial District

- (a) *General description.* This district is intended to accommodate the grouping of those commercial activities necessary to supply the normal needs of tourists, and to protect these against other incompatible commercial uses. This district is intended to be located in defined areas and will be permitted at the intersection of primary arterials or highways and section line roads east of 72nd Avenue East which serve as the primary entrances of major public recreational areas. For the purpose of this chapter, only State Highway No. 9, Alameda Drive, and 120th Avenue North shall be designated as primary entrances to major public recreational areas.
- (b) *Uses permitted.*
- (1) Any of the following uses:
 - a. Amusement enterprises.
 - b. Boat and marine sales and service.
 - c. Cafeteria or restaurant.
 - d. Drive-in restaurant.
 - e. Dry dock boat storage.
 - f. Gift, novelty or souvenir store.
 - g. Hotel, motel, tourist court.
 - h. Ice dispensing machine (and other outdoor-type automatic vending machines).
 - i. Medical Marijuana Dispensary, as allowed by State law.
 - j. Miniature golf course.
 - k. Offices accessory to main use.
 - l. Parks or playgrounds.
 - m. Parking lot or structure, non-commercial accessory to and within 200 feet.
 - n. Pre-packaged food store.
 - o. Service station.
 - p. Tier I medical marijuana processor, as allowed by State law.
 - q. Tier II medical marijuana processor, as allowed by State law.
 - r. Travel trailer court.
 - s. Sporting goods store, including sale of live bait.
 - t. Childcare center, as specified in NCC 36-566.
 - u. Short-term rentals.
 - (2) Any use which, in the opinion of the Planning Commission, would be similar in character to those above-enumerated and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property than those uses enumerated above.
 - (3) Certain requirements for Tobacco and E-Cigarette Retailers. Any use under this Subsection which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-567.1 "Restrictions on

Tobacco and E-cigarette Retailers.

- (c) *Special use.* The following uses may be permitted, after review, in accordance with NCC 36-560:
- (1) Any permitted use in NCC 36-526(b) which exceeds 35 feet in height.
 - (2) Live entertainment venue.
 - (3) Laundry, self service, in conjunction with travel trailer court.
 - (4) Nightclub or tavern.
 - (5) Liquified petroleum gas sales and storage when such use is clearly subordinate and accessory to the primary usage of the property.
 - (6) Municipal use, public buildings and public utility.
- (d) *Area regulations.*
- (1) *Front yard.* The minimum front yard shall be 50 feet or 100 feet from the center line of the public street or road, whichever distance shall be the greater.
 - (2) *Side yard.* The minimum side yard shall be 25 feet.
 - (3) *Rear yard.* The minimum rear yard shall be 50 feet.
 - (4) *Lot width.* The minimum lot width shall be 150 feet measured at the front building line.
- (e) *Height regulations.* Except, as provided in NCC 36-546, or 36-526(c), no building shall exceed 35 feet in height.
- (f) *Special provisions.*
- (1) There shall be no outdoor storage, display, or use within any required front, side or rear yard setback other than parking, loading and unloading, and landscaping.
 - (2) Off-street parking requirements shall be the standards prescribed in NCC 36-548.

(Ord. No. O-9192-17, 11-12-1991; Ord. No. O-9596-19, 12-12-1995; Ord. No. O-1617-31, 5-23-2017; Ord. No. O-1819-17, 12-11-2018; Ord. No. O-1920-4, 8-29-2019; Ord. No. O-1920-39, 4-23-2020; Ord. No. O-1920-45, 7-23-2020; Ord. No. O-0102-51)

SECTION 4: **AMENDMENT** "36-527 CR, Rural Commercial District" of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-527 CR, Rural Commercial District

- (a) *General description.* This commercial district is intended for the conduct of retail trade and to provide personal services to meet the regular needs and convenience of rural residents. It is anticipated that this district will be the predominately used commercial district in rural Norman. It is intended that this zoning district be located at the intersection of improved section line roads.
- (b) *Uses permitted.* Property and buildings in a CR, Rural Commercial District shall be

used only for the following purposes:

- (1) No individual use shall exceed a gross floor area of 35,000 square feet:
 - a. Artist material supply, studio or hobby shop.
 - b. Automobile service station.
 - c. Bank.
 - d. Barber shop, or beauty parlor.
 - e. Childcare center.
 - f. Clothing and dry goods store.
 - g. Farm feed store.
 - h. Firewood sales.
 - i. Florist.
 - j. Grocery or supermarket.
 - k. Hardware store.
 - l. Key shop.
 - m. Medical marijuana dispensary, as allowed by State law.
 - n. Office building and offices for such professional services as accountant, architect, attorney, business or management consultant, court reporter, dentist or dental surgeon, engineer, geologist or geophysicist, linguist, landscape architect, optometrist, optician, osteopathic physician, planning consultant, psychologist, physician or surgeon, or registered nurse. Funeral homes and mortuaries shall not be considered professional services permitted in this district.
 - o. Pharmacy.
 - p. Plant nursery.
 - q. News stand and tobacco store.
 - r. Restaurant.
 - s. Retail spirits store.
 - t. Shoe store or repair shop.
 - u. Tier I medical marijuana processor, as allowed by State law.
 - v. Tier II medical marijuana processor, as allowed by State law.
 - (2) Any uses which, in the opinion of the Planning Commission, would be similar in character to those above-enumerated and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion, or danger to life and property than those uses enumerated above.
 - (3) Certain requirements for Tobacco and E-Cigarette Retailers. Any use under this Subsection which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-567.1 "Restrictions on Tobacco and E-cigarette Retailers."
- (c) *Special use.* The following uses may be permitted, after review, in accordance with NCC 36-560:
- (1) Any use listed in NCC 36-527(b)(1) which exceeds a gross floor area of 35,000 square feet.
 - (2) Any use listed in NCC 36-527(b)(1) which exceeds 35 feet in height.
 - (3) Automobile sales and service.

- (4) Boat sales and services.
 - (5) Farm implement sales and service.
 - (6) Theater, indoor, including one that sells alcoholic beverages in compliance with State law.
 - (7) Veterinary hospital.
 - (8) Liquified petroleum gas sales and storage when such use is clearly subordinate and accessory to the primary usage of the property.
 - (9) Municipal use, public buildings and public utility.
 - (10) Medical marijuana commercial grower, as allowed by State law.
 - (11) Medical marijuana education facility (cultivation activities only), as allowed by State law.
- (d) *Area regulations.*
- (1) *Front yard.* The minimum front yard shall be 50 feet or 100 feet from the center line of the public street or road, whichever distance shall be the greater.
 - (2) *Side yard.* The minimum side yard shall be 25 feet.
 - (3) *Rear yard.* The minimum rear yard shall be 50 feet.
 - (4) *Lot width.* The minimum lot width shall be 150 feet measured at the front building line.
- (e) *Height regulations.* Except, as provided in NCC 36-546 or 36-527(c), no building shall exceed 35 feet in height.

(Ord. No. O-8485-32; Ord. No. O-9192-17, 11-12-1991; Ord. No. O-9596-19, 12-12-1995; Ord. No. O-1617-31, 5-23-2017; Ord. No. O-1718-51, 8-23-2018; Ord. No. O-1819-17, 12-11-2018; Ord. No. O-1920-4, 8-29-2019; Ord. No. O-1920-39, 4-23-2020)

SECTION 5: **AMENDMENT** "36-560 Special Uses" of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-560 Special Uses

Any use designated as a special use under any zoning district is not appropriate for each and every parcel of land which is included in the pertinent zoning district. However, upon review, the City Council may determine that one or more special uses should be approved for a specific parcel of land. Such approval, by ordinance duly adopted by the City Council, may come after a public notice and a hearing by the Planning Commission. Any such approval may be made conditional on the subject parcel of land meeting and maintaining specific requirements and/or conditions.

- (a) *Application and fee.* Application for a special use shall be filed with the Director of Planning and Community Development Department. The application shall include the following:

- (1) Name and address of the owner, and also applicant if different from the owner. (The City may initiate the application.)
 - (2) Address and legal description of the property.
 - (3) If the applicant is not the legal owner of the property, a statement that the applicant is either the authorized agent for the owner of the property or has a lawful right to acquire use and possession of the property.
 - (4) A statement describing the nature and operating characteristics of the proposed special uses. For uses potentially generating high volumes of vehicular traffic, the Director may require specific information relative to the anticipated peak loads and peak use periods, the ability of the use to meet performance standards, or substantiating the adequacy of proposed parking, loading, and circulation facilities.
 - (5) A site plan, drawn to scale, showing the location and dimensions of boundary lines, with distances and bearings, easements, required yards and setbacks, and all existing and proposed buildings, parking and loading areas, ingress and egress, the location of existing and proposed landscaped areas, utility or service areas, fencing and screening, signs and lighting.
 - (6) Application for a special use and for rezoning for the same property may be made concurrently, subject to the fees applicable to both a special use and rezoning. The Planning Commission shall hold the public hearing on the rezoning and the special uses at the same meeting and may combine the two hearings. If the City Council modifies a recommendation of the Commission on a concurrent zoning reclassification, the special uses application may, if the City Council deems it necessary, be referred back to the Planning Commission in the same manner as a new application; provided, however, that no additional fee shall be required.
 - (7) A filing fee of \$400.00, plus \$10.00 per acre.
 - (8) In order to properly evaluate the proposed special uses, the Planning Director may require the following additional information:
 - a. Preliminary building elevations for all new or renovated structures, indicating height, bulk, and general appearance.
 - b. Preliminary improvement plans for any alteration of existing watercourses or drainage features, proposed streets and alleys, and the location of the 100-year floodplain.
 - c. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.
- (b) *Review and evaluation criteria.* The Planning Commission shall review and evaluate any special use proposal and recommend to the City Council using the following criteria:
- (1) Conformance with applicable regulations and standards established by this article.
 - (2) Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.

- (3) Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use. (Note: Throughout this section, the term "permitted use" means any use authorized as a matter of right under the applicable zoning district.)
 - (4) Modifications to the site plan which would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulations and standards and to protect the public health, safety, morals, and general welfare.
 - (5) Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed special use and other uses authorized and anticipated in the area, considering existing zoning and land uses in the area.
 - (6) That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed special use with existing or permitted uses in the surrounding area.
- (c) *Planning commission hearing and recommendation.* The Planning Commission shall hold a public hearing on each application for a special use. Public notification requirements shall be the same as a rezoning procedure. At the public hearing, the Commission shall review the application and shall receive public comments concerning the proposed use and the proposed conditions under which it would be operated or maintained. The Planning Commission may recommend that the City Council establish conditions of approval. Conditions may include, but shall not be limited to, requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation, regulation of signs; regulation of hours or other characteristics of operation; and such other conditions as the Commission may deem necessary to ensure compatibility with surrounding uses, and to preserve the public health, safety, and welfare.
- (d) *City Council approval.* Granting a special use shall be considered a privilege bestowed by the City Council for a specific use at a specific location. Special uses may be granted by the City Council with such requirements and/or conditions, as the Council deems appropriate. Such requirements and/or conditions shall be continually complied with by the applicant and his successors and assigns. At the time of issuance of a certificate of occupancy for the initial operation of a special use, the City shall cause the property legal description and conditions of approval established by the City Council to be filed in the Tract Index of the County Clerk's office. Prior to such filing, the applicant shall be afforded an opportunity to review the instrument to be filed, for correctness.
- (e) *Violations.* For any reason, if any requirement or condition specified in the authorizing special use ordinance is violated, said violation constitutes a violation of this chapter and subjects the violator to the fines and penalties contained herein. Further, such a violation constitutes grounds for the City Council to remove or amend, by ordinance,

the previously authorized special use and any concurrent rezoning.

- (1) If it is determined by the Planning Director or the City Manager that there is a violation of any applicable provision of this section, or a failure to comply with conditions imposed by any special use ordinance on the property, then the Planning Director or the City Manager may initiate any or all of the following actions to remedy the situation, including:
 - a. Specify the nature and extent of any such violations and specify reasonable time to correct such violations;
 - b. Report such violations to the Code Enforcement Official and initiate action in the same manner as any other violation of this chapter;
 - c. Schedule a public hearing before the City Council to review such matter and consider revocation, by ordinance, of the granting of a special use for said property.
 - (2) Whenever any one or more of the foregoing actions is initiated, notice shall be given to the property owner of record by any means then authorized by the State Pleading Code for service of summons in a civil action. Further, if the property is occupied, such notice shall also be given, by first-class mail or hand-delivery, addressed to "Tenant, Owner, or Manager" at the property address.
- (f) *Expiration for non-use.*
- (1) The authority to issue initial construction or initial occupancy permits pursuant to the granting of a special use shall expire two years after the City Council approves the special use, unless the City Council includes a different time limit as a specific condition of approval. This time period to initially establish a special use may be extended for a maximum of an additional two years by action of the City Council, upon receipt of a timely request from the owner of said property, when it determines that conditions have not substantially changed since the time of original approval.
 - (2) In any case where the special use is not activated in accordance with the times specified in the preceding section, or where the special use has been discontinued for two continuous years, then authority for such a special use ceases to exist and the owner must reapply in order to establish or re-establish said special use.
- (g) *Change of ownership.* A special use may be transferred to a new owner provided:
- (1) Written notification is sent to the Planning Director indicating date of transfer, name and address of new owner, and a statement acknowledging any conditions attached to the special use and the intent to continuously comply;
 - (2) A transfer fee is paid; and
 - (3) An inspection of the property reveals continued compliance with all original conditions.
- (h) *Special uses which were formerly described as uses permitted on review or conditional use permits.*
- (1) A use legally established pursuant to a conditional use permit or permissive use rezoning prior to the date of adoption of these zoning regulations shall be

deemed pre-existing and, shall be permitted to continue, provided that it is operated and maintained in accordance with any conditions prescribed at the time of its establishment. If such a structure is destroyed by fire, explosions, or act of God, it may be rebuilt, if compliance with all conditions stipulated in its enabling ordinance are complied with.

- (2) Expansion of a pre-existing permissive use or conditional use permit shall be permitted only upon the granting of a special use as prescribed in these regulations.
- (i) Certain requirements for Tobacco and E-Cigarette Retailers. Any use under this Section which involves a tobacco or e-cigarette store shall comply with the requirements described under NCC § 36-567.1 "Restrictions on Tobacco and E-cigarette Retailers.

(Ord. No. O-9596-11, 10-24-1995)

SECTION 6: ADOPTION "36-567.1 Restrictions On Tobacco And E-Cigarette Retailers" of the City of Norman Municipal Code is hereby *added* as follows:

ADOPTION

36-567.1 Restrictions On Tobacco And E-Cigarette Retailers(*Added*)

- (a) Definitions. For the purposes of this Subsection only, the following meanings shall apply:
- (1) School means any property, building, permanent structure, facility, auditorium, stadium, arena or recreational facility owned, leased or under the control of a public school district or private school or any educational facility that is accredited by the state of Oklahoma.
- a. School shall include all licensed childcare facilities, kindergartens, elementary schools, which may include either K-6 or K-8, and all secondary schools
- b. School shall include any institution within the Oklahoma State System of Higher Education or any other public or private college or university that is accredited by a national accrediting body.
- (2) Playgrounds means any area used for outdoor play or recreation, especially by children, and often containing recreational equipment such as slides and swings.
- (3) Tobacco product means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. Tobacco product also means electronic smoking devices and any component or

accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, and liquids used in electronic smoking devices, whether or not they contain nicotine. Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

(4) Electronic smoking device means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

(b) A business license issued by the City of Norman shall only be located or operated at locations permitted by the City's zoning or planning laws. The location of a tobacco or e-cigarette store is specifically prohibited within three hundred feet (300') of any playground, school, or other facility when the facility is being used primarily by persons under twenty-one (21) years of age. The distance shall be measured as the shortest straight line distance from the property line of the proposed tobacco or e-cigarette store to the property line of the entities listed below:

(1) Public or Private School

(2) Playgrounds

(3) Facility used primarily by persons under twenty-one (21) years of age

(c) Legal Non-conforming Use. Current license tobacco or e-cigarette store(s) within three hundred feet (300') of the above described locations are permitted to continue operations despite this amendment to the zoning ordinance. If a current license tobacco/ or e-cigarette store is sold, then the new owner would no longer be able to use the legal non-conforming use to obtain a license.

SECTION 7: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 8: EFFECTIVE DATE This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF NORMAN CITY COUNCIL

AYE

NAY

ABSENT

ABSTAIN

Presiding Officer

Attest

Larry Heikkila, Mayor, City of
Norman

Brenda Hall, City Clerk, City of
Norman

File Attachments for Item:

14. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2425-11 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE TITLE OF ARTICLE V, CHAPTER 16; AMENDING SECTION 16-501 TO REFLECT CHANGES TO PURPOSE; AMENDING AND ADDING DEFINITIONS TO SECTION 16-502 FOR THE PURPOSES THEREOF; AMENDING SECTION 16-503 TO ADD PROHIBITED ACTIVITIES ON MUNICIPAL PROPERTY; MOVING SECTION 16-508 TO SECTION 16-504 AND THEREBY LEAVING SECTIONS 16-505 THROUGH 16-508 AS RESERVED FOR PURPOSES OF INTERNAL CODE CONSISTENCY; AND PROVIDING FOR THE SEVERABILITY THEREOF.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 02/25/25

REQUESTER: Jason Olsen, Director of Parks and Recreation

PRESENTER: AshLynn Wilkerson, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2425-11 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE TITLE OF ARTICLE V, CHAPTER 16; AMENDING SECTION 16-501 TO REFLECT CHANGES TO PURPOSE; AMENDING AND ADDING DEFINITIONS TO SECTION 16-502 FOR THE PURPOSES THEREOF; AMENDING SECTION 16-503 TO ADD PROHIBITED ACTIVITIES ON MUNICIPAL PROPERTY; MOVING SECTION 16-508 TO SECTION 16-504 AND THEREBY LEAVING SECTIONS 16-505 THROUGH 16-508 AS RESERVED FOR PURPOSES OF INTERNAL CODE CONSISTENCY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BACKGROUND:

The City of Norman Parks and Recreation Department is actively seeking grant funding opportunities through TSET (Tobacco Settlement Endowment Trust). The grant funding would go to support the construction of the Miracle Field—a custom, adaptive, ADA compliant baseball field to remove barriers and provide opportunities for youth with disabilities to participate in outdoor sports and recreation activities.

In order to achieve these objectives, the City needs to: 1) update two existing ordinances, 16-V Tobacco and 24-311 Prevention of Youth Access to Tobacco And Vapor Products to include updates to State law as well as regulate and prohibit smoking and use of tobacco and vapor products and the smoking or vaping of marijuana on all municipal property; and 2) pass a zoning ordinance imposing certain restrictions on tobacco and e-cigarette retailers to protect youth from the negative health effects of tobacco, nicotine, or vapor products.

All three ordinances must be approved as they are presented in order to achieve the desired level of grant funding (TSET representatives have approved all three ordinances as compliant with the requirements for the highest level of grant funding).

City staff are scheduled to discuss all the proposed ordinance changes with Council at the February 18, 2025 Study Session prior to the second and final reading of the ordinances.

DISCUSSION:

The restrictions contained in this Ordinance O-2425-11 come directly from those contained and allowed in 63 O.S. § 1-1527, et seq. Such statute establishes restrictions that must be followed and cannot be more restrictive than the State law, and also allows the City to enact laws restricting smoking on properties owned or operated by the City.

A brief overview of the proposed amendments to Article 16-V follows:

- (1) Amending the title from "Tobacco" to "Smoking in Public"
- (2) **16-501 Purpose:** The amendments to this section involve establishing the prohibition of smoking or carrying any lighted smoking instrument in or on municipal property in the purpose of the ordinance.
- (3) **16-502 Definitions:** The amendments to this section consist of:
 - 1) General formatting edits (capitalizations, consistent numbering schemes, gender neutral terms, etc.);
 - 2) The addition of three new definitions for terms used throughout the ordinance (Municipal Property, Tobacco Product, and Vapor Product); and
 - 3) The removal of an exclusion in the definition of Public Park (parking lots and Westwood Golf Course) as the purpose of the amendments to this ordinance are to prohibit smoking activities on all municipal property.
- (4) **16-503 Smoking in Certain Public Places Prohibited:** The amendments to this section involve:
 - 1) Updating language to achieve the goal of prohibiting smoking activities on all municipal property by clearly outlining the prohibition in subsection (b) and removing previous exceptions for certain municipal property (subsections (c-e);
 - 2) General formatting edits; and
 - 3) Updates to the signage requirements: indoor areas requirements remain the same and are just reorganized in subsection (f)(1); outdoor municipal property requirements are added in subsection (f)(2); and general requirements are outlined in subsection (f).
- (5) **16-504 Enforcement/Penalties:** The amendments to this section include moving the penalty information currently in section 16-508 into this section and then adding two new subsections which outline enforcement aspects.
- (6) **16-505-508:** These sections existed in previous versions of this ordinance and will thereby be left as "Reserved."

- (7) **Appendix B City Of Norman Penalty And Fine Schedule:** Amended chapter 16 section of the appendix to match the penalties established in section 16-504 and remove the fines no longer existing.

RECOMMENDATION:

Staff forwards Ordinance O-2425-11 to Council for consideration.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE TITLE OF ARTICLE V, CHAPTER 16; AMENDING SECTION 16-501 TO REFLECT CHANGES TO PURPOSE; AMENDING AND ADDING DEFINITIONS TO SECTION 16-502 FOR THE PURPOSES THEREOF; AMENDING SECTION 16-503 TO ADD PROHIBITED ACTIVITIES ON MUNICIPAL PROPERTY; MOVING SECTION 16-508 TO SECTION 16-504 AND THEREBY LEAVING SECTIONS 16-505 THROUGH 16-508 AS RESERVED FOR PURPOSES OF INTERNAL CODE CONSISTENCY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

- §1. WHEREAS, in an effort to standardize laws of governmental subdivisions that control and regulate smoking in public places, the State of Oklahoma has enacted legislation to preempt regulations that differ from State law; and
- §2. WHEREAS, the City of Norman, pursuant to 63 O.S. § 1-1527, is authorized to enact laws restricting smoking on properties owned or operated by the City; and
- §3. WHEREAS, the City of Norman desires to support and enforce the State of Oklahoma's regulations promulgated to control smoking in public places by adopting Ordinance O-2425-11.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

* * *

- § 4. THAT the title of Article V of Chapter 16 of the Code of Ordinances of the City of Norman shall be amended to read as "Smoking in Public Places."

* * *

- § 5. THAT Section 16-501 of Chapter 16 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

Smoking in certain areas has been determined to be injurious to human health, to constitute a source of annoyance and discomfort to nonsmokers, and to be a public nuisance due to the following:

- (a) Reliable studies have shown that breathing sidestream or secondhand smoke is a significant health hazard for certain population groups, including elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease;
- (b) Health hazards induced by breathing sidestream or secondhand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm;

(c) Nonsmokers with allergies, respiratory diseases and those who suffer other ill effects of breathing sidestream or secondhand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of adverse reactions to same; and

(d) The smoking of tobacco, or any other weed or plant, is a danger to health.

Therefore, no person shall smoke or carry any lighted smoking instrument in ~~a public place, public park, or at a public meeting except in permitted smoking areas, or on Municipal Property.~~ Neither shall a person smoke or carry any lighted smoking instrument in a Public Place or at a public Meeting, except where otherwise specifically allowed by law.

* * *

§ 6. THAT Section 16-502 of Chapter 16 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

The following words, terms and phrases, when used in this ~~a~~Article, shall have the meanings ascribed to them in this ~~s~~Section, except where the context clearly indicates a different meaning:

Health fFacility: An entity which provides health services, including, but not limited to, hospitals, nursing homes, long-term care facilities, kidney disease treatment centers, health maintenance organizations and ambulatory treatment centers.

Indoor ~~w~~Workplace: Any indoor place of employment or employment-type service for or at the request of another individual or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant or volunteer. An indoor workplace included work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominately or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways or the like. The provisions of this ~~s~~Section shall apply to such indoor workplaces at any given time, whether or not work is being performed.

Meeting: A meeting as defined in the Open Meeting Act.

Municipal Property: All buildings, Indoor Workplaces, Public Parks, and Public Places owned and operated by the City, including but not limited to vehicles and equipment owned by the municipality.

Person: Any individual, firm, fiduciary, partnership, corporation trust, or association, however formed.

Public ~~b~~Body: A public body as defined in the Open Meeting Act.

Public ~~p~~Park: All unenclosed areas of a park or playground, including outdoor recreation areas, that is owned and operated by the City to which members of the general public have

been granted a right to access. ~~"Public park" shall exclude parking lots located on the same property as a park or playground, and the Westwood Golf Course.~~

Public pPlace: Any enclosed indoor area where individuals other than employees are invited or permitted.

Restaurant: Any eating establishment regardless of seating capacity.

Smoking: The carrying or holding of a lighted pipe, cigar, cigarette, or any other lighted smoking device.

Stand-alone bar, Stand-alone tavern, and Cigar bar: An establishment that derives more than sixty percent (60%) of its gross receipts, subject to verification by competent authority, from the sale of alcoholic beverages and low-point beer no person under twenty-one (21) years of age is admitted, except for members of musical band employed or hired as provided in paragraph 2 of subsection B of Section 537 of Title 37 of the Oklahoma Statutes and that is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace, including a restaurant.

Tobacco Product: Any product that contains tobacco and is intended for human consumption.

Vapor Product: Any noncombustible product, that may or may not contain nicotine, that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. Vapor Products shall include any vapor cartridge or other container of a solution, that may or may not contain nicotine, or other form that is intended to be used with or in an electronic cigarette, cigar, cigarillo, pipe, or similar electronic product or device.

* * *

§ 7. THAT Section 16-503 of Chapter 16 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

- (a) ~~Except where specifically allowed by law, n~~No person shall smoke tobacco or marijuana or vape marijuana in a ~~pPublic pPlace~~, in an ~~iIndoor wWorkplace~~, in any vehicle providing public transportation, or at a meeting of a ~~pPublic bBody~~, except where otherwise specifically permitted by law.
- (b) Notwithstanding Subsection (a) above, no person shall smoke or use Tobacco Products or Vapor Products or smoke or vape marijuana in or on any Municipal Property.
- (c) ~~All buildings, or portions thereof owned or operated by this municipality shall be designated as nonsmoking.~~
- (d) ~~No smoking of tobacco or marijuana or vaping marijuana shall be allowed within 25 feet of the entrance or exit of any building specified in subsection (b) of this section.~~
- (e) ~~No smoking of tobacco or marijuana or vaping marijuana shall be allowed on the grounds of any City-owned public parks excluding the parking lots of any public park or playground and the Westwood Golf Course.~~

(c) The restrictions provided in this sSection shall not prohibit tobacco smoking in:

- (1) Stand-alone bars, sStand-alone taverns or eCigar bars;
- (2) The room or rooms where licensed charitable bingo games are being operated; but only during the hours of operation of such games;
- (3) Up to twenty-five percent (25%) ~~percent~~ of the guest rooms at a hotel or other lodging establishment;
- (4) Retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;
- (5) Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace only has incidental public access. "Incidental public access" means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business;
- (6) Workplaces occupied exclusively by one or more tobacco smokers, if the workplace has only incidental public access;
- (7) Private offices occupied exclusively by one or more smokers;
- (8) Workplaces within private residences, except that smoking tobacco or marijuana or vaping marijuana shall not be allowed inside any private residence that is used as a licensed childcare facility during hours of operation;
- (9) Medical research or treatment centers, if tobacco smoking is integral to the research or treatment. Furthermore, the restrictions on smoking or vaping of marijuana provided in this sSection shall not apply to medical research or treatment centers, if marijuana smoking or vaping is integral to the research or treatment;
- (10) A facility operated by a post or organization of past or present members of the Armed Forces of the United States, which is exempt from taxation pursuant to section 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code, 26 USC 501(c)(8), 501(c)(10), or 501(c)(19), when such facility is utilized exclusively by its members and their families for the conduct of post or organization nonprofit operations, except during an event or activity which is open to the public; and
- (11) Any outdoor seating area of a restaurant; provided, tobacco or marijuana smoking or vaping marijuana shall not be allowed within fifteen (15) feet of any exterior public doorway or any air intake of a restaurant.

- (12) An employer not otherwise restricted from doing so may elect to provide tobacco smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for tobacco smoking, provided each tobacco smoking room is fully enclosed and exhausted directly to the outside in such a manner that no tobacco smoke can drift or circulate into a nonsmoking area. No exhaust from a tobacco smoking room shall be located within fifteen (15) feet of any entrance, exit, or air intake.
- (d) If tobacco smoking is to be permitted in any space exempted in subsections (c)(5) or (c)(6) of this sSection or in a tobacco smoking room pursuant to subsection (c)(2) of this sSection, such tobacco smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the tobacco smoking space shall be fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area, and under negative air pressure so that no tobacco smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from the tobacco smoking room shall not be exhausted within fifteen (15) feet of any entrance, exit, or air intake. Any employer may choose a more restrictive tobacco smoking policy, including being totally tobacco smoke free.
- (e) Restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated tobacco smoking rooms. Food and beverage may be served in such designated tobacco smoking rooms, which shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so tobacco smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No exhaust from such room shall be located within twenty-five (25) feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the State Department of Health.
- (f) ~~The person that has legal or de facto control of an area in which who owns or operates a place where tobacco smoking and the use of Tobacco Products or Vapor Products or use is prohibited by law this Article shall post a clear, conspicuous, and unambiguous sign at each point of entry to the area, be responsible for posting a sign or decal, at least four (4) inches by two (2) inches in size, at each entrance of the building indicating that the place is smoke-free or tobacco free. Breathe Easy decals meet this requirement.~~
- (1) For restrictions on smoking or use of Tobacco Products or Vapor Products in indoor areas, a sign or decal, at least four (4) inches by two (2) inches in size, shall be posted at each entrance of the building indicating that the place is smoke-free or tobacco-free. Breathe Easy decals meet this requirement.
- (2) For restrictions on smoking and the use of Tobacco Products or Vapor products in outdoor Municipal Property, signs shall be posted at each entrance that are (1) weather-resistant; (2) at least fifteen (15) inches by fifteen (15) inches in size, with lettering of at least one (1) inch; and (3) clearly state that the place is smoke-free or tobacco-free.
- (g) Responsibility for posting signs or decals shall be as follows:

- (1) In privately-owned facilities, the owner or lessee, if lessee is in possession of the facilities, shall be responsible;
 - (2) In corporately-owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and
 - (3) In publicly-owned facilities, the manager and/or supervisor shall be responsible.
- (h) The person who owns or operates a place where smoking or ~~tobacco~~ use of Tobacco Products or Vapor Products is prohibited by law shall ask smokers to refrain from smoking upon observation of anyone violating the provisions of this ~~act~~ Article.

* * *

§ 8. THAT Section 16-504 of Chapter 16 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

- (a) Persons convicted of any violation of NCC 16-503 shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), as provided in the City penalty and fine schedule, excluding costs, fees, and assessments.
- (b) The possession of a lighted smoking instrument in violation of this Article shall be deemed a nuisance.
- (c) Enforcement of this Article shall be the responsibility of the City of Norman Police Department, or, in addition, any peace officer or code enforcement official.

* * *

§ 9. THAT Section 16-505 through 16-508 of Chapter 16 of the Code of Ordinances of the City of Norman shall be titled "Reserved" for the consistency and clarity of the Code of Ordinances of the City of Norman.

* * *

§ 10. THAT Appendix B – City of Norman Penalty and Fine Schedule of the Code of Ordinances of the City of Norman shall be amended to read as follows:

<i>Chapter 16--Health and Safety</i>		
16-115	Violation of article 16-I	\$50.00--\$750.00
16-211	Violation of article 16-II	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
16-311	Violation of article 16-III	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days

16-406	Violation of article 16-IV	\$50.00--\$1,000.00 and/or imprisonment not to exceed 90 days
16-5048(a)	Smoking in certain places Violation of article 16-V	\$10.00--\$100.00
16-508(b)	Signs required in retail establishments	Up to \$50.00
16-508(e)	Vending machines and sales displays	Up to \$200.00
16-602	Violation of article 16-VI	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
16-703	Violation of article 16-VII	\$50.00--\$750.00
16-813	Violation of article 16-VIII	\$50.00--\$750.00
16-904(b)	Removal of street tree in violation of NCC 16-903, per inch DBH	Up to \$50.00
	Total administrative fine not to exceed	\$2,000.00
16-911	Violation of article 16-IX; per offense	Up to \$500.00
16-1103	Violation of article 16-XI; per offense	\$50.00--\$750.00

* * *

§11. Severability and Intent. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance. It is the intent of the City of Norman City Council to supplement applicable state and federal law, not to duplicate nor contradict such law.

ADOPTED this _____ day
of _____, 2025.

NOT ADOPTED this _____ day
of _____, 2025.

Larry Heikkila, Mayor

Larry Heikkila, Mayor

ATTEST:

Brenda Hall, City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE TITLE OF ARTICLE V, CHAPTER 16; AMENDING SECTION 16-501 TO REFLECT CHANGES TO PURPOSE; AMENDING AND ADDING DEFINITIONS TO SECTION 16-502 FOR THE PURPOSES THEREOF; AMENDING SECTION 16-503 TO ADD PROHIBITED ACTIVITIES ON MUNICIPAL PROPERTY; MOVING SECTION 16-508 TO SECTION 16-504 AND THEREBY LEAVING SECTIONS 16-505 THROUGH 16-508 AS RESERVED FOR PURPOSES OF INTERNAL CODE CONSISTENCY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

- §1. WHEREAS, in an effort to standardize laws of governmental subdivisions that control and regulate smoking in public places, the State of Oklahoma has enacted legislation to preempt regulations that differ from State law; and
- §2. WHEREAS, the City of Norman, pursuant to 63 O.S. § 1-1527, is authorized to enact laws restricting smoking on properties owned or operated by the City; and
- §3. WHEREAS, the City of Norman desires to support and enforce the State of Oklahoma's regulations promulgated to control smoking in public places by adopting Ordinance O-2425-11.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

* * *

- § 4. THAT the title of Article V of Chapter 16 of the Code of Ordinances of the City of Norman shall be amended to read as "Smoking in Public Places."

* * *

- § 5. THAT Section 16-501 of Chapter 16 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

Smoking in certain areas has been determined to be injurious to human health, to constitute a source of annoyance and discomfort to nonsmokers, and to be a public nuisance due to the following:

- (a) Reliable studies have shown that breathing sidestream or secondhand smoke is a significant health hazard for certain population groups, including elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease;
- (b) Health hazards induced by breathing sidestream or secondhand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm;

Clean

(c) Nonsmokers with allergies, respiratory diseases and those who suffer other ill effects of breathing sidestream or secondhand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of adverse reactions to same; and

(d) The smoking of tobacco, or any other weed or plant, is a danger to health.

Therefore, no person shall smoke or carry any lighted smoking instrument in or on Municipal Property. Neither shall a person smoke or carry any lighted smoking instrument in a Public Place or at a public Meeting, except where otherwise specifically allowed by law.

* * *

§ 6. THAT Section 16-502 of Chapter 16 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Health Facility: An entity which provides health services, including, but not limited to, hospitals, nursing homes, long-term care facilities, kidney disease treatment centers, health maintenance organizations and ambulatory treatment centers.

Indoor Workplace: Any indoor place of employment or employment-type service for or at the request of another individual or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant or volunteer. An indoor workplace included work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominately or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways or the like. The provisions of this Section shall apply to such indoor workplaces at any given time, whether or not work is being performed.

Meeting: A meeting as defined in the Open Meeting Act.

Municipal Property: All buildings, Indoor Workplaces, Public Parks, and Public Places owned and operated by the City, including but not limited to vehicles and equipment owned by the municipality.

Person: Any individual, firm, fiduciary, partnership, corporation trust, or association, however formed.

Public Body: A public body as defined in the Open Meeting Act.

Public Park: All unenclosed areas of a park or playground, including outdoor recreation areas, that is owned and operated by the City to which members of the general public have been granted a right to access.

Public Place: Any enclosed indoor area where individuals other than employees are invited or permitted.

Restaurant: Any eating establishment regardless of seating capacity.

Smoking: The carrying or holding of a lighted pipe, cigar, cigarette, or any other lighted smoking device.

Stand-alone bar, Stand-alone tavern, and Cigar bar: An establishment that derives more than sixty percent (60%) of its gross receipts, subject to verification by competent authority, from the sale of alcoholic beverages and low-point beer no person under twenty-one (21) years of age is admitted, except for members of musical band employed or hired as provided in paragraph 2 of subsection B of Section 537 of Title 37 of the Oklahoma Statutes and that is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace, including a restaurant.

Tobacco Product: Any product that contains tobacco and is intended for human consumption.

Vapor Product: Any noncombustible product, that may or may not contain nicotine, that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. Vapor Products shall include any vapor cartridge or other container of a solution, that may or may not contain nicotine, or other form that is intended to be used with or in an electronic cigarette, cigar, cigarillo, pipe, or similar electronic product or device.

* * *

§ 7. THAT Section 16-503 of Chapter 16 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

- (a) No person shall smoke tobacco or marijuana or vape marijuana in a Public Place, in an Indoor Workplace, in any vehicle providing public transportation, or at a meeting of a Public Body, except where otherwise specifically permitted by law.
- (b) Notwithstanding Subsection (a) above, no person shall smoke or use Tobacco Products or Vapor Products or smoke or vape marijuana in or on any Municipal Property.
- (c) The restrictions provided in this Section shall not prohibit tobacco smoking in:
 - (1) Stand-alone bars, Stand-alone taverns or Cigar bars;
 - (2) The room or rooms where licensed charitable bingo games are being operated; but only during the hours of operation of such games;

- (3) Up to twenty-five percent (25%) of the guest rooms at a hotel or other lodging establishment;
- (4) Retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;
- (5) Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace only has incidental public access. "Incidental public access" means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business;
- (6) Workplaces occupied exclusively by one or more tobacco smokers, if the workplace has only incidental public access;
- (7) Private offices occupied exclusively by one or more smokers;
- (8) Workplaces within private residences, except that smoking tobacco or marijuana or vaping marijuana shall not be allowed inside any private residence that is used as a licensed childcare facility during hours of operation;
- (9) Medical research or treatment centers, if tobacco smoking is integral to the research or treatment. Furthermore, the restrictions on smoking or vaping of marijuana provided in this Section shall not apply to medical research or treatment centers, if marijuana smoking or vaping is integral to the research or treatment;
- (10) A facility operated by a post or organization of past or present members of the Armed Forces of the United States, which is exempt from taxation pursuant to section 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code, 26 USC 501(c)(8), 501(c)(10), or 501(c)(19), when such facility is utilized exclusively by its members and their families for the conduct of post or organization nonprofit operations, except during an event or activity which is open to the public; and
- (11) Any outdoor seating area of a restaurant; provided, tobacco or marijuana smoking or vaping marijuana shall not be allowed within fifteen (15) feet of any exterior public doorway or any air intake of a restaurant.
- (12) An employer not otherwise restricted from doing so may elect to provide tobacco smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for tobacco smoking, provided each tobacco smoking room is fully enclosed and exhausted directly to the outside in such a manner that no tobacco smoke can drift or circulate into a nonsmoking area. No exhaust from a tobacco smoking room shall be located within fifteen (15) feet of any entrance, exit, or air intake.

- (d) If tobacco smoking is to be permitted in any space exempted in subsections (c)(5) or (c)(6) of this Section or in a tobacco smoking room pursuant to subsection (c)(2) of this Section, such tobacco smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the tobacco smoking space shall be fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area, and under negative air pressure so that no tobacco smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from the tobacco smoking room shall not be exhausted within fifteen (15) feet of any entrance, exit, or air intake. Any employer may choose a more restrictive tobacco smoking policy, including being totally tobacco smoke free.
- (e) Restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated tobacco smoking rooms. Food and beverage may be served in such designated tobacco smoking rooms, which shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so tobacco smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No exhaust from such room shall be located within twenty-five (25) feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the State Department of Health.
- (f) The person that has legal or de facto control of an area in which smoking and the use of Tobacco Products or Vapor Products is prohibited by this Article shall post a clear, conspicuous, and unambiguous sign at each point of entry to the area.
- (1) For restrictions on smoking or use of Tobacco Products or Vapor Products in indoor areas, a sign or decal, at least four (4) inches by two (2) inches in size, shall be posted at each entrance of the building indicating that the place is smoke-free or tobacco-free. Breathe Easy decals meet this requirement.
 - (2) For restrictions on smoking and the use of Tobacco Products or Vapor Products in outdoor Municipal Property, signs shall be posted at each entrance that are (1) weather-resistant; (2) at least fifteen (15) inches by fifteen (15) inches in size, with lettering of at least one (1) inch; and (3) clearly state that the place is smoke-free or tobacco-free.
- (g) Responsibility for posting signs or decals shall be as follows:
- (1) In privately-owned facilities, the owner or lessee, if lessee is in possession of the facilities, shall be responsible;
 - (2) In corporately-owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and
 - (3) In publicly-owned facilities, the manager and/or supervisor shall be responsible.

Clean

- (h) The person who owns or operates a place where smoking or use of Tobacco Products or Vapor Products is prohibited by law shall ask smokers to refrain from smoking upon observation of anyone violating the provisions of this Article.

* * *

§ 8. THAT Section 16-504 of Chapter 16 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

- (a) Persons convicted of any violation of NCC 16-503 shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), as provided in the City penalty and fine schedule, excluding costs, fees, and assessments.
- (b) The possession of a lighted smoking instrument in violation of this Article shall be deemed a nuisance.
- (c) Enforcement of this Article shall be the responsibility of the City of Norman Police Department, or, in addition, any peace officer or code enforcement official.

* * *

§ 9. THAT Section 16-505 through 16-508 of Chapter 16 of the Code of Ordinances of the City of Norman shall be titled "Reserved" for the consistency and clarity of the Code of Ordinances of the City of Norman.

* * *

§ 10. THAT Appendix B – City of Norman Penalty and Fine Schedule of the Code of Ordinances of the City of Norman shall be amended to read as follows:

<i>Chapter 16--Health and Safety</i>		
16-115	Violation of article 16-I	\$50.00--\$750.00
16-211	Violation of article 16-II	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
16-311	Violation of article 16-III	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days
16-406	Violation of article 16-IV	\$50.00--\$1,000.00 and/or imprisonment not to exceed 90 days
16-504	Violation of article 16-V	\$10.00--\$100.00
16-602	Violation of article 16-VI	\$50.00--\$750.00 and/or imprisonment not to exceed 60 days

16-703	Violation of article 16-VII	\$50.00--\$750.00
16-813	Violation of article 16-VIII	\$50.00--\$750.00
16-904(b)	Removal of street tree in violation of NCC 16-903, per inch DBH	Up to \$50.00
16-813	Total administrative fine not to exceed	\$2,000.00
16-911	Violation of article 16-IX; per offense	Up to \$500.00
16-1103	Violation of article 16-XI; per offense	\$50.00—\$750.00

* * *

§11. Severability and Intent. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance. It is the intent of the City of Norman City Council to supplement applicable state and federal law, not to duplicate nor contradict such law.

ADOPTED this _____ day
of _____, 2025.

NOT ADOPTED this _____ day
of _____, 2025.

Larry Heikkila, Mayor

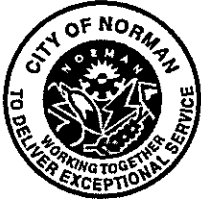
Larry Heikkila, Mayor

ATTEST:

Brenda Hall, City Clerk

File Attachments for Item:

15. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OR ORDINANCE O-2425-12 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE TITLE OF SECTION 24-311 OF CHAPTER 24; AMENDING DEFINITIONS FOR THE PURPOSES THEREOF; PROHIBITING THE FURNISHING OF TOBACCO, NICOTINE AND VAPOR PRODUCTS TO ANYONE UNDER THE AGE OF TWENTY-ONE, PROHIBITING THE POSSESSION OF TOBACCO, NICOTINE AND VAPOR PRODUCTS BY ANYONE UNDER THE AGE OF TWENTY-ONE, PROHIBITING THE DISPLAY OR SALE OF TOBACCO, NICOTINE OR VAPOR PRODUCTS WHERE SELF-ACCESSIBLE BY ANYONE UNDER THE AGE OF TWENTY-ONE; AND PROVIDING FOR THE SEVERABILITY THEREOF.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 02/25/25

REQUESTER: Jason Olsen, Director of Parks and Recreation

PRESENTER: AshLynn Wilkerson, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OR ORDINANCE O-2425-12 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE TITLE OF SECTION 24-311 OF CHAPTER 24; AMENDING DEFINITIONS FOR THE PURPOSES THEREOF; PROHIBITING THE FURNISHING OF TOBACCO, NICOTINE AND VAPOR PRODUCTS TO ANYONE UNDER THE AGE OF TWENTY-ONE, PROHIBITING THE POSSESSION OF TOBACCO, NICOTINE AND VAPOR PRODUCTS BY ANYONE UNDER THE AGE OF TWENTY-ONE, PROHIBITING THE DISPLAY OR SALE OF TOBACCO, NICOTINE OR VAPOR PRODUCTS WHERE SELF-ACCESSIBLE BY ANYONE UNDER THE AGE OF TWENTY-ONE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BACKGROUND:

The City of Norman Parks and Recreation Department is actively seeking grant funding opportunities through TSET (Tobacco Settlement Endowment Trust). The grant funding would go to support the construction of the Miracle Field—a custom, adaptive, ADA compliant baseball field to remove barriers and provide opportunities for youth with disabilities to participate in outdoor sports and recreation activities.

In order to achieve these objectives, the City needs to: 1) update two existing ordinances, 16-V Tobacco and 24-311 Prevention of Youth Access to Tobacco And Vapor Products to include updates to State law as well as regulate and prohibit smoking and use of tobacco and vapor products and the smoking or vaping of marijuana on all municipal property; and 2) pass a zoning ordinance imposing certain restrictions on tobacco and e-cigarette retailers to protect youth from the negative health effects of tobacco, nicotine, or vapor products.

All three ordinances must be approved as they are presented in order to achieve the desired level of grant funding (TSET representatives have approved all three ordinances as compliant with the requirements for the highest level of grant funding).

City staff are scheduled to discuss all the proposed ordinance changes with Council at the February 18, 2025 Study Session prior to the second and final reading of the ordinances.

DISCUSSION:

The restrictions contained in this Ordinance O-2425-12 come directly from those contained and allowed in 63 O.S. § 1-229.11, et seq.

The proposed amendments to Section 24-311 of Chapter 24 are fairly minimal. The majority of the amendments are general formatting edits (capitalizations, consistent numbering schemes, gender neutral terms, etc.). There are only two substantive changes in the proposed amendments:

- 1) The addition of nicotine products to the prohibited products under this ordinance (seen in subsection (a) - definitions and everywhere the prohibitions are referenced throughout the ordinance); and
- 2) A clear enumeration of the enforcement officials and process (seen in subsection (g)).

RECOMMENDATION:

Staff forwards Ordinance O-2425-12 to Council for consideration.

**CITY OF NORMAN
ORDINANCE O-2425-12**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE TITLE OF SECTION 24-311 OF CHAPTER 24; AMENDING DEFINITIONS FOR THE PURPOSES THEREOF; PROHIBITING THE FURNISHING OF TOBACCO, NICOTINE AND VAPOR PRODUCTS TO ANYONE UNDER THE AGE OF TWENTY-ONE, PROHIBITING THE POSSESSION OF TOBACCO, NICOTINE AND VAPOR PRODUCTS BY ANYONE UNDER THE AGE OF TWENTY-ONE, PROHIBITING THE DISPLAY OR SALE OF TOBACCO, NICOTINE OR VAPOR PRODUCTS WHERE SELF-ACCESSIBLE BY ANYONE UNDER THE AGE OF TWENTY-ONE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

WHEREAS, WHEREAS, in an effort to protect our youth from the negative health effects of tobacco, nicotine or vapor products, the State of Oklahoma has prohibited the sale or possession of tobacco, nicotine or vapor products for anyone under the age of twenty-one (21) years of age; and

WHEREAS, WHEREAS, the City of Norman desires to support and enforce the State of Oklahoma's policy of protection and safety of minors by adopting Ordinance O-2425-12.

NOW THEREFORE, be it ordained by the City Council of the City of Norman, in the State of Oklahoma, as follows:

SECTION 1: AMENDMENT "24-311 Prevention Of Youth Access To Tobacco And Vapor Products" of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

24-311 Prevention Of Youth Access To Tobacco, Nicotine, And Vapor Products

- (a) *Definitions*. The following words, terms and phrases, when used in this sSection, shall have the meanings ascribed to them in this sSubsection, except where the context clearly indicates a different meaning:

Nicotine product means any product that contains nicotine extracted or isolated from plants, vegetables, fruit, herbs, weeds, genetically modified organic matter, or that is synthetic in origin and is intended for human consumption; provided, however, this term shall not include products approved by the United States Food and Drug Administration for smoking cessation. Person means any individual, firm, fiduciary,

partnership, corporation, trust, or association, however formed.

Proof of age means a driver's license, license for identification only, or other generally accepted means of identification that describes the individual as twenty-one (21) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid.

Sample means a tobacco product, nicotine product or vapor product distributed to members of the public at no cost for the purpose of promoting the product.

Sampling means the distribution of samples to members of the public in a public place.

Tobacco product means any product that contains tobacco and is intended for human consumption.

Transaction scan means the process by which a seller checks, by means of a transaction scan device, the validity of a driver's license or other government-issued photo identification.

Transaction scan device means any commercial device or combination of devices used at a point of sale or entry that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver's license or other government-issued photo identification.

Vapor product means noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. The term "vapor product" shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo or electronic device. The term "vapor product" does not include any products regulated by the United States Food and Drug Administration under chapter V of the Food, Drug, and Cosmetic Act.

(b) *Furnishing of ~~t~~Tobacco ~~p~~Products, Nicotine Products or ~~v~~Vapor ~~p~~Products to ~~p~~Persons under the ~~a~~Age of Twenty-One (21) years.*

- (1) It shall be an offense for any person to sell, give or furnish in any manner any tobacco product, nicotine product or vapor product to another person who is under twenty-one (21) years of age, or to purchase in any manner a tobacco product, nicotine product or vapor product on behalf of any such person. It shall not be unlawful for an employee under twenty-one (21) years of age to handle tobacco products, nicotine products or vapor products when required in the performance of the employee's duties.
- (2) A person engaged in the sale or distribution of tobacco products, nicotine

products or vapor products shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser may be under twenty-one (21) years of age. If an individual engaged in the sale or distribution of tobacco products, nicotine products or vapor products has demanded proof of age from a prospective purchaser or recipient who is not under twenty-one (21) years of age, the failure to subsequently require proof of age shall not constitute a violation of this sSubsection.

- (3) Any person convicted of violating sSubsection (b)(1) or (2) of this sSection shall be punished; as provided in 63 O.S. § 1-229.13.
- (4) Proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to any action brought pursuant to this sSection. A person cited for violating this sSection shall be deemed to have reasonably relied upon proof of age, and such person shall not be found guilty of the violation if such person proves that:
 - a. The individual who purchased or received the tobacco product, nicotine product or vapor product presented a driver's license or other government-issued photo identification purporting to establish that such individual was twenty-one (21) years of age or older; or
 - b. The person cited for the violation confirmed the validity of the driver's license or other government-issued photo identification presented by such individual by performing a transaction scan by means of a transaction scan device.

Provided that this defense shall not relieve from liability any person cited for a violation of this sSection if the person failed to exercise reasonable diligence to determine whether the physical description and picture appearing on the driver's license or other government-issued photo identification was that of the individual who presented it. The availability of the defense described in this sSubsection does not affect the availability of any other defense under any other provision of law.

- (5) If the sale is made by an employee of the owner of a store at which tobacco products, nicotine products or vapor products are sold at retail, the employee shall be guilty of the violation and shall be subject to the fine.
 - (6) Upon failure of the employee to pay the administrative fine within ninety (90) days of the day of the assessment of such fine, the Clerk of the municipal Court shall notify the Department of Public Safety, and the Department shall suspend or not issue a driver's license to the employee until proof of payment has been furnished to the Department of Public Safety.
- (c) *Possession of ~~t~~Tobacco ~~p~~Products, Nicotine Products or ~~v~~Vapor ~~p~~Products by ~~p~~Persons under the aAge of Twenty-One (21) years.*
- (1) It shall be an offense for a person who is under twenty-one (21) years of age to purchase, receive, or have in ~~his~~their possession a tobacco product, nicotine product or vapor product, or to present or offer to any person any purported proof of age which is false or fraudulent, for the purpose of purchasing or receiving any tobacco product, nicotine product or vapor product. It shall not

be unlawful for an employee under twenty-one (21) years of age to handle tobacco products, nicotine products or vapor products when required in the performance of the employee's duties.

(2) Any person convicted of violating sSubsection (c)(1) of this sSection shall be punished by a fine:

- a. Not to exceed ~~\$100~~50.00 for a first offense; and
- b. Not to exceed \$200.00 for a second or subsequent offenses ~~within a one-year period following the first offense.~~

(3) Upon failure of the individual to pay the administrative fine within ninety (90) days of the day of the fine, the Clerk of the municipal Court shall notify the Department of Public Safety, and the Department shall suspend or not issue a driver's license to the individual until proof of payment has been furnished to the Department of Public Safety.

(d) *Distribution of ~~t~~Tobacco ~~p~~Products, Nicotine Products or ~~v~~Vapor ~~p~~Products and ~~p~~Product ~~s~~Samples ~~r~~Restricted.*

(1) It shall be unlawful for any person or retailer to distribute tobacco products, nicotine products vapor products or product samples to any person under twenty-one (21) years of age.

(2) No person shall distribute tobacco products, nicotine products vapor products or product samples in or on any public street, sidewalk, or park that is within ~~300~~ three hundred feet (300') of any playground, school, or other facility when the facility is being used primarily by persons under twenty-one (21) years of age.

(3) Any person convicted of violating sSubsections (d)(1) or (2) of this sSection shall be punished by a fine of:

- a. Not more than \$100.00 for the first offense;
- b. Not more than \$200.00 for the second offense; and
- c. Not more than \$300.00 for a third or subsequent offense.

(4) Upon failure of any person to pay an administrative fine within ninety (90) days of the assessment of the fine, the Clerk of the municipal Court shall notify the Department of Public Safety, and the Department shall suspend or not issue a driver's license to the person until proof of payment has been furnished to the Department of Public Safety.

(e) *Sale of ~~t~~Tobacco ~~p~~Products ~~e~~Except in ~~o~~Original, sSealed ~~p~~Packages.*

(1) It is unlawful for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.

(2) Any person convicted of sSubsection (e)(1) of this sSection shall be punished by a fine of not more than \$200.00 for each offense.

(f) *Publicly ~~a~~Accessible ~~d~~Display or sSale of ~~t~~Tobacco, Nicotine or ~~v~~Vapor ~~p~~Products.*

(1) It is unlawful for any person or retail store to display or offer for sale tobacco products, nicotine products or vapor products in any manner that allows public access to the tobacco products, nicotine products or vapor products without assistance from the person displaying the tobacco products, nicotine products or vapor products or an employee or the owner of the store. The provisions of this sSubsection shall not apply to retail stores which do not admit into the

store persons under twenty-one (21) years of age.

Any person convicted of violating ~~s~~Subsection (f)(1) of this ~~s~~Section shall be
(2) punished by a fine of not more than \$200.00 for each offense.

(g) ~~Notice of conviction to be provided to the ABLE Commission. Any information or reports required or requested by the State Alcoholic Beverages Enforcement (ABLE) Commission shall be provided by the Clerk of the municipal Court regarding the enforcement of any of violations found within this section.~~ Enforcement.

- (1) Any conviction for a violation of this Article and any compliance checks by a municipal police officer pursuant to Subsection (3) of this Section shall be reported in writing to the Alcoholic Beverage Laws Enforcement (ABLE) Commission within thirty (30) days of such conviction or compliance check. Such reports shall be compiled in the manner prescribed by the ABLE Commission. Convictions shall be reported by the Court Clerk or their designee and compliance checks shall be reported by the Chief of Police or their designee.
- (2) For the purpose of determining second or subsequent violations, both the offenses penalized by the ABLE Commission as administrative fines and the offenses penalized by the City of Norman and reported to the ABLE Commission shall be considered together in such determination.
- (3) Persons under twenty-one (21) years of age may be enlisted by the Police Department to assist in compliance checks and enforcement of this Article pursuant to the rules of the ABLE Commission.

(Code 1976, § 15-412; Ord. No. O-9697-58; Ord. No. O-9900-36; Ord. No. O-1920-46, § 3)

SECTION 2: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**CITY OF NORMAN
ORDINANCE O-2425-12**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE TITLE OF SECTION 24-311 OF CHAPTER 24; AMENDING DEFINITIONS FOR THE PURPOSES THEREOF; PROHIBITING THE FURNISHING OF TOBACCO, NICOTINE AND VAPOR PRODUCTS TO ANYONE UNDER THE AGE OF TWENTY-ONE, PROHIBITING THE POSSESSION OF TOBACCO, NICOTINE AND VAPOR PRODUCTS BY ANYONE UNDER THE AGE OF TWENTY-ONE, PROHIBITING THE DISPLAY OR SALE OF TOBACCO, NICOTINE OR VAPOR PRODUCTS WHERE SELF-ACCESSIBLE BY ANYONE UNDER THE AGE OF TWENTY-ONE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

WHEREAS, WHEREAS, in an effort to protect our youth from the negative health effects of tobacco, nicotine or vapor products, the State of Oklahoma has prohibited the sale or possession of tobacco, nicotine or vapor products for anyone under the age of twenty-one (21) years of age; and

WHEREAS, WHEREAS, the City of Norman desires to support and enforce the State of Oklahoma's policy of protection and safety of minors by adopting Ordinance O-2425-12.

NOW THEREFORE, be it ordained by the City Council of the City of Norman, in the State of Oklahoma, as follows:

SECTION 1: **AMENDMENT** "24-311 Prevention Of Youth Access To Tobacco And Vapor Products" of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

24-311 Prevention Of Youth Access To Tobacco, Nicotine, And Vapor Products

- (a) *Definitions*. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Subsection, except where the context clearly indicates a different meaning:

Nicotine product means any product that contains nicotine extracted or isolated from plants, vegetables, fruit, herbs, weeds, genetically modified organic matter, or that is synthetic in origin and is intended for human consumption; provided, however, this term shall not include products approved by the United States Food and Drug Administration for smoking cessation. Person means any individual, firm, fiduciary,

partnership, corporation, trust, or association, however formed.

Proof of age means a driver's license, license for identification only, or other generally accepted means of identification that describes the individual as twenty-one (21) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid.

Sample means a tobacco product or vapor product distributed to members of the public at no cost for the purpose of promoting the product.

Sampling means the distribution of samples to members of the public in a public place.

Tobacco product means any product that contains tobacco and is intended for human consumption.

Transaction scan means the process by which a seller checks, by means of a transaction scan device, the validity of a driver's license or other government-issued photo identification.

Transaction scan device means any commercial device or combination of devices used at a point of sale or entry that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver's license or other government-issued photo identification.

Vapor product means noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. The term "vapor product" shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo or electronic device. The term "vapor product" does not include any products regulated by the United States Food and Drug Administration under chapter V of the Food, Drug, and Cosmetic Act.

(b) *Furnishing of Tobacco Products, Nicotine Products or Vapor Products to Persons under the Age of Twenty-One (21) years.*

- (1) It shall be an offense for any person to sell, give or furnish in any manner any tobacco product to another person who is under twenty-one (21) years of age, or to purchase in any manner a tobacco product, nicotine product, nicotine product, nicotine product, nicotine product or vapor product on behalf of any such person. It shall not be unlawful for an employee under twenty-one (21) years of age to handle tobacco products, nicotine

products or vapor products when required in the performance of the employee's duties.

- (2) A person engaged in the sale or distribution of tobacco products, nicotine products or vapor products shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser may be under twenty-one (21) years of age. If an individual engaged in the sale or distribution of tobacco products, nicotine products or vapor products has demanded proof of age from a prospective purchaser or recipient who is not under twenty-one (21) years of age, the failure to subsequently require proof of age shall not constitute a violation of this Subsection.
- (3) Any person convicted of violating Subsection (b)(1) or (2) of this Section shall be punished as provided in 63 O.S. § 1-229.13.
- (4) Proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to any action brought pursuant to this Section. A person cited for violating this Section shall be deemed to have reasonably relied upon proof of age, and such person shall not be found guilty of the violation if such person proves that:
 - a. The individual who purchased or received the tobacco product, nicotine product or vapor product presented a driver's license or other government-issued photo identification purporting to establish that such individual was twenty-one (21) years of age or older; or
 - b. The person cited for the violation confirmed the validity of the driver's license or other government-issued photo identification presented by such individual by performing a transaction scan by means of a transaction scan device.

Provided that this defense shall not relieve from liability any person cited for a violation of this Section if the person failed to exercise reasonable diligence to determine whether the physical description and picture appearing on the driver's license or other government-issued photo identification was that of the individual who presented it. The availability of the defense described in this Subsection does not affect the availability of any other defense under any other provision of law.

- (5) If the sale is made by an employee of the owner of a store at which tobacco products, nicotine products or vapor products are sold at retail, the employee shall be guilty of the violation and shall be subject to the fine.
 - (6) Upon failure of the employee to pay the administrative fine within ninety (90) days of the day of the assessment of such fine, the Clerk of the municipal Court shall notify the Department of Public Safety, and the Department shall suspend or not issue a driver's license to the employee until proof of payment has been furnished to the Department of Public Safety.
- (c) *Possession of Tobacco Products, Nicotine Products or Vapor Products by Persons under the Age of Twenty-One (21) years.*

- (1) It shall be an offense for a person who is under twenty-one (21) years of age to purchase, receive, or have in their possession a tobacco product, nicotine product or vapor product, or to present or offer to any person any purported proof of age which is false or fraudulent, for the purpose of purchasing or receiving any tobacco product, nicotine product or vapor product. It shall not be unlawful for an employee under twenty-one (21) years of age to handle tobacco products, nicotine products or vapor products when required in the performance of the employee's duties.
 - (2) Any person convicted of violating Subsection (c)(1) of this Section shall be punished by a fine:
 - a. Not to exceed \$50.00 for a first offense; and
 - b. Not to exceed \$200.00 for subsequent offenses first offense.
 - (3) Upon failure of the individual to pay the fine within ninety (90) days of the day of the fine, the Clerk of the municipal Court shall notify the Department of Public Safety, and the Department shall suspend or not issue a driver's license to the individual until proof of payment has been furnished to the Department of Public Safety.
- (d) *Distribution of Tobacco Products, Nicotine Products or Vapor Products and Product Samples Restricted.*
- (1) It shall be unlawful for any person or retailer to distribute tobacco products, vapor products or product samples to any person under twenty-one (21) years of age.
 - (2) No person shall distribute tobacco products, nicotine products nicotine products vapor products or product samples in or on any public street, sidewalk, or park that is within three hundred feet (300') of any playground, school, or other facility when the facility is being used primarily by persons under twenty-one (21) years of age.
 - (3) Any person convicted of violating Subsections (d)(1) or (2) of this Section shall be punished by a fine of:
 - a. Not more than \$100.00 for the first offense;
 - b. Not more than \$200.00 for the second offense; and
 - c. Not more than \$300.00 for a third or subsequent offense.
 - (4) Upon failure of any person to pay an administrative fine within ninety (90) days of the assessment of the fine, the Clerk of the municipal Court shall notify the Department of Public Safety, and the Department shall suspend or not issue a driver's license to the person until proof of payment has been furnished to the Department of Public Safety.
- (e) *Sale of Tobacco Products Except in Original, Sealed Packages.*
- (1) It is unlawful for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.
 - (2) Any person convicted of Subsection (e)(1) of this Section shall be punished by a fine of not more than \$200.00 for each offense.

(f) *Publicly Accessible Display or Sale of Tobacco, Nicotine or Vapor Products.*

- (1) It is unlawful for any person or retail store to display or offer for sale tobacco products, nicotine products or vapor products in any manner that allows public access to the tobacco products, nicotine products, nicotine products or vapor products without assistance from the person displaying the tobacco products, nicotine products or vapor products or an employee or the owner of the store. The provisions of this Subsection shall not apply to retail stores which do not admit into the store persons under twenty-one (21) years of age.

- (2) Any person convicted of violating Subsection (f)(1) of this Section shall be punished by a fine of not more than \$200.00 for each offense.

(g) *Enforcement.*

- (1) Any conviction for a violation of this Article and any compliance checks contains nicotine extracted or isolated from plants, vegetables, fruit, herbs, weeds, genetically modified organic matter, or that is synthetic in origin and is intended for human consumption; provided, however, this term shall not include

years of products
approved by the
United States Food
and Drug
Administration for
smoking cessation.

(Code 1976, § 15-412; Ord. No. O-9697-58; Ord. No. O-9900-36; Ord. No. O-1920-46, § 3)

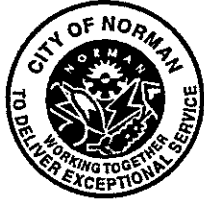
SECTION 2: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Attest

Brenda Hall, City Clerk, City of Norman

File Attachments for Item:

17. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-14 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE 2-III, DIVISION 2-III-1, SECTION 2-301 OF THE CODE OF THE CITY OF NORMAN INCREASING THE NUMBER OF PERSONS FOR THE BOARD OF ADJUSTMENT FROM FIVE TO SEVEN, AMENDING CITY PLANNING COMMISSION MEMBERSHIP TO REQUIRE A PERSON FROM EACH WARD AND ONE AT-LARGE PERSON, DECREASING THE TERMS OF PERSONS ON THE BOARD OF APPEALS FROM FOUR TO THREE YEAR TERMS, AND ADDING NORMAN ELECTION COMMISSION: SEVEN PERSONS WITH THREE-YEAR TERMS; AMENDING DIVISION 2-III-6, SECTION 3-216, ADDING OVERSIGHT OVER TREE PROTECTION TO THE BOARD OF PARK COMMISSIONERS AUTHORITY; REPEALING DIVISION 2-III-9, GREENBELT COMMISSION IN ITS ENTIRETY; REPEALING DIVISION 2-III-16, TREE BOARD IN ITS ENTIRETY; AMENDING ARTICLE 10-II, SECTION 10-201, NORMAN ELECTION COMMISSION, TO CHANGE A FIVE MEMBER COMMITTEE TO SEVEN; AND AMENDING ARTICLE 36-V-4, SECTION 36-570(A)(2) TO INCREASE THE CONCURRING VOTE REQUIRED FOR THE BOARD OF ADJUSTMENT FROM THREE TO FOUR MEMBERS.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 02/25/2025

REQUESTER: Jeanne Snider, Assistant City Attorney

PRESENTER: Jeanne Snider, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-14 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE 2-III, DIVISION 2-III-1, SECTION 2-301 OF THE CODE OF THE CITY OF NORMAN INCREASING THE NUMBER OF PERSONS FOR THE BOARD OF ADJUSTMENT FROM FIVE TO SEVEN, AMENDING CITY PLANNING COMMISSION MEMBERSHIP TO REQUIRE A PERSON FROM EACH WARD AND ONE AT-LARGE PERSON, DECREASING THE TERMS OF PERSONS ON THE BOARD OF APPEALS FROM FOUR TO THREE YEAR TERMS, AND ADDING NORMAN ELECTION COMMISSION: SEVEN PERSONS WITH THREE-YEAR TERMS; AMENDING DIVISION 2-III-6, SECTION 3-216, ADDING OVERSIGHT OVER TREE PROTECTION TO THE BOARD OF PARK COMMISSIONERS AUTHORITY; REPEALING DIVISION 2-III-9, GREENBELT COMMISSION IN ITS ENTIRETY; REPEALING DIVISION 2-III-16, TREE BOARD IN ITS ENTIRETY; AMENDING ARTICLE 10-II, SECTION 10-201, NORMAN ELECTION COMMISSION, TO CHANGE A FIVE MEMBER COMMITTEE TO SEVEN; AND AMENDING ARTICLE 36-V-4, SECTION 36-570(A)(2) TO INCREASE THE CONCURRING VOTE REQUIRED FOR THE BOARD OF ADJUSTMENT FROM THREE TO FOUR MEMBERS.

BACKGROUND:

Over the past several years, City Council has discussed a number of proposals to amend some of the City's Boards, Commission and Committees. At the December 17, 2024, Study Session, City Council agreed to move forward with the following amendments.

DISCUSSION:

Section 2-301 Appointment Boards and Commissions; Appointments; Terms of Office

Section 2-301(a). Increase the membership of the Board of Adjustment from five to seven members.

Section. 2-301(g). Add the provision of the City Planning Commission that there shall be a member from each ward and one at-large member.

Section 2-301(j). Decrease the term of the Board of Appeal appointments from four years to three years.

Section 2-301(m). Include this Section stating the Norman Election Commission has seven members with three year terms; and amend Section 10-201 to increase the membership of the Norman Election Commission from five to seven members.

Section 36-750(d)(2) Board of Adjustment. Increase the concurring vote from three to four members necessary to reverse any order, requirement, decision or determination of the administrative office, to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to affect any variation in the application of this chapter.

Repeal Division 2-III-16 Tree Board and authorizing the Board of Park Commissioners be the presiding authority over matters contained in NCC 16-IX, Tree Protection, with review and oversight by City Council.

Repeal Division 2-III-9 Greenbelt Commission.

RECOMMENDATION:

Staff recommends Council approve the amendments listed above.

**CITY OF NORMAN
ORDINANCE O-2425-14**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE 2-III, DIVISION 2-III-1, SECTION 2-301 OF THE CODE OF THE CITY OF NORMAN INCREASING THE NUMBER OF PERSONS FOR THE BOARD OF ADJUSTMENT FROM FIVE TO SEVEN, AMENDING CITY PLANNING COMMISSION MEMBERSHIP TO REQUIRE A PERSON FROM EACH WARD AND ONE AT-LARGE PERSON, DECREASING THE TERMS OF PERSONS ON THE BOARD OF APPEALS FROM FOUR TO THREE YEAR TERMS, AND ADDING NORMAN ELECTION COMMISSION: SEVEN PERSONS WITH THREE-YEAR TERMS; AMENDING DIVISION 2-III-6, SECTION 3-216, ADDING OVERSIGHT OVER TREE PROTECTION TO THE BOARD OF PARK COMMISSIONERS AUTHORITY; REPEALING DIVISION 2-III-9, GREENBELT COMMISSION IN ITS ENTIRETY; REPEALING DIVISION 2-III-16, TREE BOARD IN ITS ENTIRETY; AMENDING ARTICLE 10-II, SECTION 10-201, NORMAN ELECTION COMMISSION, TO CHANGE A FIVE MEMBER COMMITTEE TO SEVEN; AND AMENDING ARTICLE 36-V-4, SECTION 36-570(A)(2) TO INCREASE THE CONCURRING VOTE REQUIRED FOR THE BOARD OF ADJUSTMENT FROM THREE TO FOUR MEMBERS.

NOW THEREFORE, be it ordained by the City Council of the City of Norman, in the State of Oklahoma, as follows:

SECTION 1: AMENDMENT "2-301 Appointive Boards And Commissions; Appointments; Terms Of Office" of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

2-301 Appointive Boards And Commissions; Appointments; Terms Of Office

The appointed members of the following boards and commissions shall first be nominated by the Mayor and then confirmed by a majority of the Council and the number of appointive members of each respective body and their overall respective terms of office shall be as listed below:

- (a) Board of Adjustment: ~~Five~~ seven persons for three-year terms.
- (b) Norman Regional Hospital Authority: Nine persons for three-year terms.
- (c) Board of Park Commissioners: Nine persons for three-year terms;
- (d) -Environmental Control Advisory Board: Nine persons for three-year terms.
- (e) Human Rights Commission: Nine persons for three-year terms.
- (f) Library Board: Nine persons for three-year terms.

- (g) City Planning Commission: Nine persons for three-year terms.
- (h) Public Housing Authority: Five persons for three-year terms.
- (i) Social and Voluntary Services Commission: Nine persons for three-year terms.
- (j) Board of Appeals: Five persons and one alternate for ~~four~~ three-year terms.
- (k) Historic District Commission: Nine persons for three-year terms. ~~Such commission shall consist of not less than nine citizens, all of whom shall reside in the City and who shall be nominated by the Mayor, and confirmed by the City Council, each for a term of three years; provided, however, that in the first instance, one-third shall be for three years, one-third for two years, and one-third for one year.~~
- (l) Economic Development Advisory Board: ~~Initially consisting of two members appointed for one-year terms, three members appointed for two-year terms and two members appointed for three-year terms. Thereafter, successor appointments shall serve~~ Seven persons for three-year terms.
- (m) Norman Election Commission: Seven persons for three-year terms.

(Code 1976, § 4-101; Ord. No. O-7475-31; Ord. No. O-7677-31; Ord. No. O-7879-20; Ord. No. O-8081-55; Ord. No. O-8081-69; Ord. No. O-8283-40; Ord. No. O-8384-136; Ord. No. O-8889-11; Ord. No. O-9091-23; Ord. No. O-9293-31; Ord. No. O-0001-39; Ord. No. O-1213-42, § 1)

SECTION 2: **AMENDMENT** "2-316 Duties And Powers Of The Board" of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

2-316 Duties And Powers Of The Board

The Board of Park Commissioners shall advise the City Council on policies pertaining to the use of the park and recreational facilities of the City and, pursuant thereto:

- (a) Propose rules and regulations for the maintenance of order, safety, and decency in those parks and recreational facilities;
- (b) Consider and investigate any matter affecting the development and improvement of parks and recreational facilities and policies pertaining to the use of those facilities;
- (c) Make recommendations to improve the park and recreational facilities;
- (d) Make recommendations regarding systems of supervised recreation, and modifications in existing recreational programs;
- (e) Act as the presiding authority over the matters contained in NCC 16-IX, with review and oversight by the City Council;
- (f) Provide copies of the minutes of its meetings to the office of the City Clerk within ten days from the date of their approval; and
- (g) Provide an annual report of the Board's acts and affairs.

(Code 1976, § 4-501; Ord. No. O-7475-31)

SECTION 3: **REPEAL** "DIVISION 2-III-9 GREENBELT COMMISSION"
of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

DIVISION 2-III-9 GREENBELT COMMISSION RESERVED

SECTION 4: **REPEAL** "2-324 Purpose" of the City of Norman Municipal
Code is hereby *repealed* as follows:

REPEAL

2-324 Purpose (Reserved)

~~It is the purpose of this article to promote and protect the public health, safety and general welfare by creating a mechanism for providing a Greenbelt System, which will include preserved open spaces, protected natural areas and greenways/trails in a system of land parcels that together will work to help maintain and preserve the beauty and livability of the City.~~

(Code 1976, § 4-2021; Ord. No. O-0304-71)

SECTION 5: **REPEAL** "2-325 Authority" of the City of Norman Municipal
Code is hereby *repealed* as follows:

REPEAL

2-325 Authority (Reserved)

~~There is hereby created and established the Greenbelt Commission for the City. The City Greenbelt Commission shall consist of a total of nine members, one from each ward and one at-large. The members shall be appointed by the Mayor, with approval of the City Council, based upon their interests or expertise regarding open-space preservation. All members shall serve without compensation and may be removed by the City Council, as provided in the Code of Ordinances. City staff and administrative guidance shall be provided to the Greenbelt Commission by the Department of Planning and Community Development, with assistance from the City Forester and other Departments, as necessary. The implementation of the activities associated with this article shall be dependent upon the City Council's ability to provide funds on an annualized basis. *Term of office.* The term of the nine persons to be appointed by the Mayor shall be three years, except that the term of three of the members~~

appointed to the first Board shall be for only one year and the term of three members of the first Board shall be for two years. In the event that a vacancy shall occur during the term of any member, the successor shall be appointed by the Mayor with approval by the City Council for the unexpired portion of the term. *Quorum*. At any meeting of the Greenbelt Commission, a quorum shall consist of five of the appointed members. No action shall be taken in the absence of a quorum. Five affirmative votes shall be required to pass any measure. *Meeting*. The Greenbelt Commission shall meet as required in the furtherance of its duties set forth herein. *Commission officer*. The Greenbelt Commission shall elect a Chairman from its members and shall create and fill such other offices as deemed necessary. The term of the Chairman shall be one year with eligibility for reelection for no more than two consecutive terms. *Quorum and operation*. (Code 1976, § 4-2022; Ord. No. O-0304-71; Ord. No. O-1011-6, § 1)

SECTION 6: **REPEAL** "2-326 Duties And Powers Of The Greenbelt Commission" of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

2-326 Duties And Powers Of The Greenbelt Commission (Reserved)

The Greenbelt Commission shall advise the City Council on policies pertaining to the promotion, acquisition, maintenance and improvement of the green spaces, greenways and trailway systems in the City and, pursuant thereto:

- (a) Propose an ordinance defining the Greenbelt System of green spaces, greenways and trail systems, including, without limitation, the contents of the Greenbelt Enhancement Statement and the duties and responsibilities for submission of such Greenbelt Enhancement Statements, in accordance with the recommendations of the Greenbelt Task Force. Upon the adoption of an ordinance defining the Greenbelt System and the requirement for a Greenbelt Enhancement Statement, all applications for a land use plan amendment, a City rural certificate of survey or preliminary platting of land in the City shall include a Greenbelt Enhancement Statement that articulates how the goals and objectives of the City's Greenbelt System plan are met by the proposed development; provided, however, that nothing herein shall require dedication of private property for public access;
- (b) Propose policy guidelines to determine the suitability of parcels for the Greenbelt System;
- (c) Identify possible parcels for preservation and/or acquisition and incorporation into the Greenbelt System;
- (d) Identify possible outside funding sources and matching funds for acquisition of development rights and preservation and/or acquisitions of parcels for the Greenbelt System;
- (e) Make recommendations to the City Council regarding policies and other related

- matters;
- (f) ~~Provide advocacy for the Greenbelt System in the City's planning process by reviewing Greenbelt Enhancement Statements and advising and making recommendations to the City Council thereon;~~
 - (g) ~~Solicit public opinion in planning for the Greenbelt System and facilitate citizen participation in the planning process so that the public's interest in the Greenbelt System is expressed;~~
 - (h) ~~Develop policies regarding security and safety in the Greenbelt System;~~
 - (i) ~~Develop policies and guidelines for use of the land and easements within the Greenbelt System;~~
 - (j) ~~Provide copies of the minutes of its meetings to the office of the City Clerk within ten days from the date of their approval; and~~
 - (k) ~~Provide an annual report of the Commission's acts and affairs.~~

(Code 1976, § 4-2023; Ord. No. O-0304-71; Ord. No. O-1011-6, § 2)

SECTION 7: AMENDMENT “2-327 Definitions” of the City of Norman
Municipal Code is hereby *amended* as follows:

AMENDMENT

2-327 Definitions(Reserved)

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bikeway means a thoroughfare designated for bicycle travel by the Norman Bikeway Plan, as may be amended from time to time.

Cluster development means as defined by the City Code in NCC 30-101, as may be amended from time to time.

Conservation easement means a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purpose of which include, but are not limited to, retaining or protecting natural, scenic, or open-space values of real property, ensuring its availability for agricultural, forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

Floodplain means as defined by NCC 36-533 as may be amended from time to time.

Flowage easement means an easement purchased by the U.S. Department of Interior, Bureau of Reclamation, Norman Project, which grants to the United States and its assigns the perpetual right, privilege and easement to intermittently and completely seep, flood, flow and

inundate, and the right to enter upon at any time for the purpose of making surveys, and investigations or for any other purpose incidental to the construction, operation, and maintenance of the Norman Reservoir Project and any feature thereof, any and all of the tracts or parcels of land lying below elevation 1,064.5 sea level datum.

Green space means any land area designated as open space by the City's Comprehensive land use plan; land determined to be open space or green space on an approved site development plan; or any land area in which the preservation in its present use would conserve and enhance natural or scenic resource, protect streams or water supply, promote conservation of soils, wetlands or marshlands, enhance the value to the public of abutting or neighboring parks, forest, wildlife preserves, nature reservations, sanctuaries or other open space or green space, enhance recreation opportunities, including parks, plazas and narrow corridors or pathways for walking or bicycling even though surrounded by developed areas, preserve visual quality along highway, road, and street corridors or scenic vistas, or retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the granting authority.

Greenbelt Enhancement Statement (GES) means a statement on a form provided to the applicant by the City Planning and Community Development Department that is to be included with all applications for a land use plan amendment, a City rural certificate of survey or preliminary platting of land and submitted for consideration by the Commission that articulates how the principles, purposes and goals of the Greenbelt System are met by the proposed development.

Greenbelt System means and includes the following spaces, regardless of whether they are open to the public:

- (a) A system of trails (both on- and off-road) intended to connect parks, green spaces, schools, retail, employment, and residential areas.
- (b) Areas of land within the City limits required to be open space by zoning; areas currently designated for open space, park, floodplain, and institutional use by the Comprehensive Plan and subsequently adopted land use plans; Lake Thunderbird, the Bureau of Reclamation (BOR) take line and BOR flowage easements; any other areas of land which are designated by easement, by deed restriction, or otherwise required to remain free of structures; and areas designated as green space.

Greenway means:

- (a) A green open space, such as a linear open space established along or on either side of a natural or cultural corridor, such as a riverfront, a stream valley, a ridgeline, a railroad right-of-way, a channel, a scenic road or other route;
- (b) A trail; and/or
- (c) An open-space connector available to pedestrians intended to link parks, nature reserves, cultural features, historic sites, schools, residential or commercial areas with each other.

~~*Impervious surface* means one that does not permit penetration or passage of water, such as a roof or paved street or parking area.~~

~~*Riparian buffers* means the area between developed land and streams, rivers and shorelines that is managed to maintain the integrity of the waterway, to reduce pollution and to provide food, habitat, and thermal protection for fish and wildlife.~~

~~*Structure* means as defined by the City Code in NCC 36-101, as may be amended from time to time.~~

~~*Take line* means exterior boundary of the property acquired by the Bureau of Reclamation for construction of Lake Thunderbird.~~

~~*Trail* means any natural or landscaped course open to pedestrian or bicycle passage, including, but not limited to, sidewalks, but excluding roadways, streets, alleys and other passages primarily provided for general public motorized vehicular use. Types of trails include:~~

- ~~(a) *Community-wide (regional or arterial) trails* means trails between ten feet and 12 feet in width that provide access from one part of the City to another.~~
- ~~(b) *Natural trails* means trails at least eight feet to ten feet in width composed of compacted earth.~~
- ~~(c) *Neighborhood trails* means trails between six feet and ten feet in width that mimic the system of local neighborhood streets and ultimately connect to larger arterial trails.~~
- ~~(d) *Parkway trails* means trails between six feet and eight feet in width that are constructed with durable materials, and usually include amenities such as decorative light fixtures, landscaping, and ground cover and varying surface treatments at intersections and crosswalks.~~
- ~~(e) *Sidewalk trails* means sidewalks located alongside streets that are constructed in accordance with City design criteria and designated as trails.~~
- ~~(f) *Specialized trails* means water trails, equestrian trails, bikeways, or other trails dedicated to some specific use not otherwise listed herein.~~

(Code 1976, §
4-2023A; Ord.
No. O-1011-6,
§ 3)

SECTION 8: **REPEAL** "2-328 Expenditure Of City Funds, Compensation, Reimbursement Of Expenses" of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

2-328 Expenditure Of City Funds, Compensation, Reimbursement Of Expenses(Reserved)

- (a) ~~The Greenbelt Commission shall neither authorize nor incur the expenditure of any City funds for any purpose except as may be authorized and appropriated therefor by the City Council.~~
- (b) ~~Members of the Greenbelt Commission are entitled to reimbursement for their actual and necessary expenses, so long as those expenses were incurred in performance of their duty as Commission members.~~

(Code 1976, § 4-2024; Ord. No. O-0304-71)

SECTION 9: **REPEAL** “2-329 Review By The City Council” of the City of Norman Municipal Code is hereby *repealed* as follows:

R E P E A L

~~2-329 Review By The City Council(Reserved)~~

~~The City Council shall have the right to review all acts and recommendations of the Greenbelt Commission.~~

(Code 1976, § 4-2025; Ord. No. O-0304-71; Ord. No. O-1011-6, § 4)

SECTION 10: **REPEAL** “2-330 Specific Principles, Purposes And Goals Of The Greenbelt System” of the City of Norman Municipal Code is hereby *repealed* as follows:

R E P E A L

~~2-330 Specific Principles, Purposes And Goals Of The Greenbelt System(Reserved)~~

~~A Greenbelt System, as defined herein, serves the following principles, purposes and goals of the City:~~

- (a) ~~Proposed additions to the Greenbelt System should be guided by the following principles:~~
 - (1) ~~The ultimate goal is to create an interconnected system of trails that allow multiple connections across all of the City.~~
 - (2) ~~The Greenbelt System should preserve valuable green space, natural habitat and key areas with existing vegetation.~~
 - (3) ~~Trail segments should be designed so that they convey the physical and historical character of the City and relate to the neighborhoods through which the trail corridors pass.~~
 - (4) ~~Greenway corridors should provide unique opportunities to learn about the history, culture, and accomplishments of the City.~~

- (5) Trails should promote smooth walkable corridors that are open and visible.
 - (6) The Greenbelt System should contribute to enhancing the physical appearance of the City, whether through new pedestrian features, landscaping added to trail corridors, or simply by revealing natural areas not previously visible to the general public.
 - (7) The Greenbelt System should encourage the creation of public and private partnerships that help build the entire system more quickly.
 - (8) Greenbelts should protect environmentally sensitive lands that are generally the least suitable for development, especially floodprone areas and riparian corridors, and provide connectivity between the elements of the Greenbelt System.
- (b) The use of lot clustering should be encouraged as a means to develop the Greenbelt System.
- (c) The Greenbelt System should be used to link together existing recreation areas.
- (d) Multipurpose greenways should be created that:
- (1) Create a unique greenway character for the City;
 - (2) Protect the environmentally sensitive areas of the City and serve as a wildlife habitat;
 - (3) Serve as a stormwater management resource for urban runoff and regional detention needs;
 - (4) Provide recreation opportunities for bicycling, walking, and jogging, as well as an alternate route to move through the City for commuting to work, schools, shopping, between neighborhoods, and/or other destinations by bicycling or walking;
 - (5) Preserve agriculturally significant lands through conservation easements or other means; and
 - (6) Provide suitable locations for sanitary sewer easements and facilities.
- (e) Greenbelts should be used to provide green space areas adjacent to highways and major streets for sound buffer zones and protection from incompatible land uses.
- (f) The Greenbelt System should continue to improve a natural landscape planting and maintenance program for City-owned properties and rights-of-way of major streets and highways.

(Code 1976, § 4-2026; Ord. No. O-1011-6, § 5)

SECTION 11: **REPEAL** "2-331 Greenbelt Enhancement Statements" of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

2-331 Greenbelt Enhancement Statements(Reserved)

- (a) *Submission.* All applications for a pre-development meeting regarding a proposed land

use plan amendment, a City rural certificate of survey or preliminary platting of land in the City shall include a Greenbelt Enhancement Statement.

- (b) *Content.* Greenbelt Enhancement Statements shall articulate how the principles, purposes and goals of this division are met by the proposed development and its amenities. Applicants shall also provide supporting drawings, illustrations, and other documents designed to assist the Greenbelt Commission in determining how the goals, principles, and policies herein are met by the development.
- (c) *Review.*

(1) *Staff review.* The Planning Director or designee shall perform an initial review of the Greenbelt Enhancement Statement. If the application indicates that an opportunity for greenbelt development does not exist and the details of the application support such a finding, then the Planning Director or designee may issue a finding of no greenbelt opportunity. Such a finding shall be based on factors unique to the subject parcel, such as when the application involves redevelopment of an already fully developed site, rezoning of property that does not involve new construction, or the existing plat requirements are such that development options are restricted. If a finding of no greenbelt opportunity is made, then the application shall be forwarded to the Greenbelt Commission for consideration as a consent docket item as outlined in subsection (c)(2)a of this section. If a request for a finding of no greenbelt opportunity is denied, a completed Greenbelt Enhancement Statement shall be forwarded to the Greenbelt Commission for consideration as set forth below.

(2) *Initial review by Greenbelt Commission.*

a. *Findings of no Greenbelt opportunity.* If such a finding is made by the Planning Director or designee, then the application shall be forwarded to the Greenbelt Commission for consideration as a consent docket item to allow the Commission to determine whether it agrees with staff's finding of no greenbelt opportunity. If a Commission member disagrees with staff's finding of no greenbelt opportunity, said member may request that the item be removed from the consent docket and the item will be reviewed in the same manner as other applications. If the Commission agrees with staff's finding of no greenbelt opportunity, the subject application will bypass further review by the Commission and be forwarded on to the Planning Commission, as provided for in the City Code.

b. *Other applications.* All other applications for which a Greenbelt Enhancement Statement is completed shall be considered by the Greenbelt Commission for an initial review when application is made for a pre-development meeting and upon due notice of its consideration to the applicant. Comments about applications shall be in writing and delivered to the applicant. Those comments shall also be provided to the Planning Commission and to the City Council upon each respective body's consideration of the application. The comments from the Greenbelt Commission will reflect how the proposed development does or does not meet the goals of the

~~Greenbelt System through reference to specific principles, purposes and goals set forth herein.~~

- (3) ~~Subsequent review by Greenbelt Commission.~~ Should it be determined that a greenbelt opportunity exists for a particular application and if the application has substantially changed (as determined by Planning and Community Development staff) since it was originally considered by the Greenbelt Commission, the Greenbelt Enhancement Statement shall be reviewed by the Greenbelt Commission at one of its regularly scheduled meetings after application is made to the Planning Commission and upon due notice of its consideration to the applicant. Comments about applications shall be in writing and delivered to the applicant with the Planning Commission packet. Those comments shall also be provided to the Planning Commission and to the City Council upon each respective body's consideration of the application. The comments from the Greenbelt Commission will reflect how the proposed development does or does not meet the goals of the Greenbelt System through reference to specific principles, purposes and goals set forth herein.

(Code 1976, § 4-2027; Ord. No. O-1011-6, § 6)

SECTION 12: **AMENDMENT** "2-332 Guidelines For Evaluating Greenbelt Enhancement Statements" of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

2-332 Guidelines For Evaluating Greenbelt Enhancement Statements(Reserved)

~~In performing its duties, the Greenbelt Commission shall take into account the considerations listed below. Not all considerations will be applicable or feasible for each application:~~

- (a) ~~Portions of the Greenbelt System are accessible to the general public.~~
- (b) ~~Greenways are established and provide connections to other existing and future components of the Greenbelt System.~~
- (c) ~~Existing easements (e.g., utility, pipeline, oil lease right-of-way, etc.) may be used for greenways where appropriate and where expressly approved by the easement grantor and grantee.~~
- (d) ~~Greenways connect neighborhoods to each other and to industrial and commercial areas.~~
- (e) ~~Greenways provide alternative routes to move through the City for commuting to work, schools, shopping, between neighborhoods, and/or other destinations by bicycling or walking.~~
- (f) ~~Adverse impacts on existing topography, drainage patterns and natural vegetation are minimized.~~

- (g) Developments between urbanized Norman and Lake Thunderbird include pedestrian and bike connectivity to adjacent parcels to allow for future connections to Lake Thunderbird.
- (h) Landscaping required by the City has been planted in conformance with the City zoning regulations, including with local drought-resistant low maintenance plants, shrubs and trees.
- (i) Vegetative buffers between neighborhoods and railway lines have been provided to enhance safety and reduce the effects of noise and air pollution.
- (j) Permeable ground surfaces have been preserved to the extent possible.
- (k) Ingress and egress to and from a development is designed to permit safe use by nonmotorized traffic in and out of the development and across the ingress and egress provisions of the development.
- (l) Fences abutting components of the Greenbelt System, and particularly those abutting green spaces, are of designs and materials that minimize their visual impact to the extent such fences are allowable under this Code and not in conflict with applicable national standards for utility facilities. Examples of acceptable open fences include such types as wrought iron, split rail, low picket fence with every other picket removed, and metal pickets.
- (m) Water retention and detention storage facilities are designed in accordance with bioengineering principles and built with bioengineering materials.
- (n) Detention facilities are integrated into the surrounding neighborhood as part of the Greenbelt System in as ecologically sound a method as possible.
- (o) Stormwater management design considers the potential for trail and green space preservation, enhancement and/or creation.
- (p) The development layout is designed to preserve the health and diversity of wildlife affected by development in natural drainage corridor areas.
- (q) The development layout is designed to minimize the intrusions of noise, trash and other things into the Greenbelt System that would negatively affect visitors' and users' experience of any impacted components of the Greenbelt System.
- (r) To the extent possible, the development layout, as designed, does not impair the ability of riparian buffers from serving as corridors for wildlife movement.
- (s) Riparian buffers are incorporated into the Greenbelt System.
- (t) The commercial developments have provided for pedestrian access.
- (u) Pavement is minimized when possible by, among other things, using shared parking areas and/or permeable parking surfaces where feasible and allowed under NCC ch. 36, the zoning ordinance of the City, and the City Engineering Design Criteria.
- (v) Cluster development has been utilized as a means to develop the Greenbelt System.
- (w) Structures, other than utility transmission poles or substations, were located to maximize greenbelt and trail opportunities.

(Code
1976, §
4-2028;
Ord. No.
O-1011-
6, § 7)

SECTION 13: **REPEAL** “2-333 Policy For Acquiring Greenways, Trails, And Other Green Space” of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

~~2-333 Policy For Acquiring Greenways, Trails, And Other Green Space~~(Repealed)

~~Easements accepted, purchased, or otherwise acquired by the City for the purposes of expanding or enhancing the Greenbelt System shall be acquired in accordance with the guidelines and policies contained herein and in the City subdivision regulations as may be amended from time to time.~~

(Code 1976, § 4-2029; Ord. No. O-1011-6, § 8)

SECTION 14: **REPEAL** “DIVISION 2-III-16 TREE BOARD” of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

~~DIVISION 2-III-16 TREE BOARD~~RESERVED

SECTION 15: **AMENDMENT** “2-346 Duties And Powers Of The Tree Board” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

~~2-346 Duties And Powers Of The Tree Board~~(Reserved)

- ~~(a) *Purpose.* It is the purpose of this division to promote and protect the public health, safety and general welfare by providing for the development of a community forestry plan to address the planting, maintenance, and removal of public trees, street trees, and shrubs within the City in order to promote, maintain and improve the urban forest resource of the City. It is not the intent of this division for the City to assume responsibility for trees planted in the rights-of-way by adjacent property owners other than for removal as needed due to damage, hazard, or disease.~~
- ~~(b) *Applicability.* This division is applicable to trees and shrubs located within street rights-of-way, drainage easements, public parks and on other public property within the City. *Definitions.* The following words and phrases, when used in this division,~~

shall have the meanings ascribed to them in this subsection, except where the context otherwise requires:

Private trees mean all trees and shrubs other than public or street trees.

Public property means, and shall include any land owned by the City, any real property including parks, easements, and other lands which are owned by the City or held by it in trust for the benefit of the public.

Public trees and shrubs means all trees and shrubs for which any portion of the trunk is located on public property.

Street rights-of-way means a strip of land acquired by purchase, reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a roadway or street.

Street trees means all trees and shrubs for which any portion of the trunk is located on street rights-of-way within the City.

- (e) *Authority*. There is hereby created and established a City Tree Board for the City. The City Tree Board shall consist of a total of nine members comprised of residents of the City. The members shall be appointed at-large by the Mayor, with approval of the City Council based on their interest or expertise regarding urban forestry. All members shall serve without compensation and may be removed by the City Council, as provided in this Code. City staff and administrative guidance shall be provided to the City Tree Board by the Parks and Recreation Department or by other City departments as necessary. The implementation of the activities associated with this division shall be dependent upon the City Council's ability to provide funds on an annualized basis.
- Term of office*. The term of the nine persons to be appointed by the Mayor shall be three years, except that the term of three of the members appointed to the first Board shall be for only one year and the term of three members of the first Board shall be for two years. In the event that a vacancy shall occur during the term of any member, the successor shall be appointed by the Mayor with approval by the City Council for the unexpired portion of the term.
- (d) *Quorum and operation. Quorum*. At any meeting of the City Tree Board, a quorum shall consist of five of the appointed members. No action shall be taken in the absence of a quorum. Five affirmative votes shall be required to pass any measure. *Meeting*. The City Tree Board shall meet as required in the furtherance of its duties set forth herein. *Board officers*. The City Tree Board shall elect a Chairman from its members and shall create and fill such other offices as deemed necessary. The term of the Chairman shall be one year with eligibility for reelection for no more than three consecutive terms. *Other operations*. The City Tree Board may develop bylaws or other rules of operation, establish subcommittees, develop and recommend to the City Council regulations, standards and specifications to be adopted separate from or as a part of this division as deemed necessary. *Community forestry plan*. It shall be the responsibility of the City Tree Board to study, investigate, counsel and develop and/or update periodically a written plan for the care, preservation, trimming, planting, replanting, removal or disposition of street trees, public trees and shrubs. Such plan shall incorporate an inventory of the existing street trees, public trees and shrubs. The Tree Board shall ensure that the plan will be in conformance with the goals and objectives of the current City land use and transportation plan by submittal to the

Planning Commission for review and approval. Upon approval and adoption of the recommended plan by the City Council, it shall constitute the official community forestry plan and become a part of the City land use and transportation plan.

- (e) ~~Free planting, maintenance and removal standards.~~ Standards for the planting, maintenance and removal of trees are to be located within the community forestry plan. These standards shall not amend, abridge or modify the prohibition against obstructing motor vehicle operators' line of sight at intersections and entry points along streets. ~~Tree species.~~ The City Forester, with the approval of the City Tree Board, shall develop and maintain a list of suitable trees for planting along streets in three size classes: Small, medium and large. A list of trees not suitable for planting shall also be created. ~~Review by the City Council.~~ The City Council shall have the right to review the acts and decisions of the City Tree Board. ~~Exemptions.~~ Property owned and used by the schools or any branch of the County, State or federal governments shall be exempt from the provisions of these regulations. Prior to any tree or shrub being planted in any street right-of-way or public property, as defined above, within the Downtown Revitalization Area or in the Project Area of the Campus Corner Revitalization Project Plan Area and Increment District, a permit must be obtained from the City Forester. The purpose of this permit is to ensure that any trees or shrubs planted within this designated area are consistent with the overall community forestry plan. The Forester shall determine the criteria for granting a permit based upon, but not limited to, the species of tree or shrub, the time of year of planting and a proposed watering plan. In the event a tree or shrub is planted without the proper permit, a ten-day notice shall be given to the property owner to either remove the tree or shrub or obtain a permit. In the event that no permit is obtained or the tree or shrub is not removed, then the City Forester shall remove the tree or shrub.

(f) ~~Permit required.~~

- (1) ~~The project areas are described as: The Downtown Revitalization Area; and The Campus Corner Revitalization Project Plan Area and Increment District pursuant to each district's map on file in the office of the City Clerk. Report.~~ In locations where a public hazard is created by a street tree, public tree or shrub the appropriate City department shall cause the abatement of the hazard and subsequently submit a report to the City Tree Board.

(Code
1976, §
4-1301;
Ord.
No. O-
0102-
44;
Ord.
No. O-
0304-
21;
Ord.
No. O-

1011-
27, § 1)

SECTION 16: **AMENDMENT** "10-201 Definitions" of the City of Norman
Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10-201 Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Campaign committee means a committee which may be composed of one or more persons the purpose of which is to support the election of a specific candidate to municipal office, whose name as it will appear on the ballot shall appear in the name of the committee.

Candidate means any person who publicly seeks nomination or election to any elective municipal office in the City government.

Election means any municipal election, municipal runoff election, or special election held in the City at which candidates for public office are voted upon.

Municipal office means any elective municipal office for which declarations of candidacy are filed with the Secretary of the County Election Board as required by 11 O.S. §§ 16-109 and 16-110.

Municipal Political Committee means any committee composed of one or more persons whose purpose includes the election or defeat of one or more candidates for municipal office, but which is not required to register with the Ethics Commission or the Federal Election Commission.

Norman Election Commission means a ~~five~~seven-member committee, appointed by the Mayor and approved by a majority of the City Council to serve three-year staggered terms. The terms of initial appointments shall be adjusted so as to provide that no more than two terms shall expire in any one year; subsequent appointments shall be for three-year terms.

(Code 1976, § 7.5-21; Ord. No. O-1415-23, § 1)

SECTION 17: **AMENDMENT** "36-570 Board Of Adjustment" of the City
of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-570 Board Of Adjustment

- (a) *Establishment of a Board of Adjustment and proceedings thereof.* A Board of Adjustment and rules for the conduct of proceedings are hereby established, as provided in NCC 2-III and 2-IV.
- (b) *Duties of an administrative official, Board of Adjustment, City Council, and courts on matters of appeal.*
- (1) It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to an administrative official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of an administrative official, and that recourse from the decision of the Board of Adjustment shall be by appeal to the District Court as herein provided.
 - (2) It is further intent of this chapter that the duties of the City Council, in connection with this chapter, shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as Stated in this section and this chapter. Under this chapter, the City Council shall have only the duties of:
 - a. Considering, adopting, or rejecting proposed amendments, or repealing this chapter, as provided by law; and
 - b. Establishing a schedule of fees for appeals hereunder for building permits and all other expenses connected with the enforcement of this chapter.
- (c) *Powers.* The Board of Adjustment shall have the following powers:
- (1) Upon proper application, to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official, as well as the Historic District Commission, in the enforcement of this chapter or any other ordinance adopted pursuant thereto.
 - (2) Upon proper application to hear and decide special exceptions to the terms of this chapter as hereinafter enumerated in subsection (g) of this section and as enumerated in NCC ch. 28.
 - (3) Upon proper application, to hear and authorize in specific cases such variances from the terms of this chapter as are allowed under subsection (j) of this section.
- (d) *Decisions of the Board of Adjustment.*
- (1) In exercising the above-mentioned powers, the Board of Adjustment shall reverse or affirm, wholly or in part, shall modify the order, requirement, decision, or determination appealed from, shall make such order, requirement, decision, or determination as ought to be made, so long as such action is in conformity with the terms of this chapter, and to that end shall have the powers of an administrative official from whom the appeal is taken.
 - (2) The concurring vote of ~~three~~four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the administrative

official, to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to affect any variation in the application of this chapter.

(e) *Appeals from the Board of Adjustment.*

- (1) Any person, Board, taxpayer, department, or bureau of the City aggrieved by any decision of the Board of Adjustment may, within ten days after the meeting wherein such decision was reached, seek review by the District Court and also by filing a copy with the City Clerk and with the Chairman of the Board of Adjustment, a notice of appeal, which said notice shall specify in detail the grounds of such appeal. Upon filing of the notice of appeal, as herein provided, said Board shall forthwith cause to be transmitted to the Court Clerk of the District Court the original, or certified copies, of all the papers constituting the record in the case, together with the order, decision, or ruling of the Board. Said case shall be heard and tried de novo in the District Court as in all other civil actions. Failure to file an appeal shall mean the Board's action is considered final.
 - (2) An appeal to the District Court from the Board of Adjustment stays all proceedings and the action appealed from unless the Chairman of the Board of Adjustment, from which the appeal is taken, certifies to the Court Clerk after the notice of appeal has been filed, that by reason of fact Stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the District Court upon application or notice to an administrative official in charge of the enforcement of the terms and provisions of this chapter, upon notice to the Chairman of the Board of Adjustment from which the appeal is taken, and upon due cause being shown the Court may reverse or affirm, wholly or partly, or modify, the decision brought up for review.
- (f) *Procedure for appeal of the decision of an administrative official or Historic District Commission to the Board of Adjustment.* Appeals may be taken to the Board of Adjustment by any person aggrieved or by any officer or bureau of the governing body of said City affected by any decision of an administrative official concerning interpretation or administration of this chapter. Such appeals shall be taken within a reasonable time, not to exceed 30 days, by filing with an administrative official and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. In addition, such person shall deposit with the Planning and Community Development Department a fee of \$150.00 to cover the cost and expense of appeal to the Board of Adjustment.
- (1) An administrative official shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken.
 - (2) The Board of Adjustment shall fix a reasonable time for the hearing of an appeal give public notice thereof, as well as due notice to the parties in interest, and shall decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

- (3) An appeal stays all proceedings in furtherance of the action appealed from unless an administrative official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of fact stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by restraining order, which may be granted by the Board of Adjustment or by a court of competent jurisdiction upon application, upon notice to an administrative official from whom the appeal is taken, and upon due cause being shown.

(g) *Special exceptions defined and enumerated.*

- (1) The term "special exception" means a use that would not be appropriate generally or without restriction throughout the zoning district but which if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as special exceptions if specific provision for such special exceptions is made hereafter.
- (2) The Board of Adjustment is hereby empowered and authorized to grant the following specific exceptions, to wit:
 - a. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
 - b. To interpret the provisions of the ordinance where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is attached to and made a part of this ordinance.
 - c. To grant exceptions to the off-street parking requirements as set forth in Article 36, Section 548, when it is determined that the size and shape of the lot to be built on is such that off-street parking provisions could not be complied with, that the proposed use of land is similar in nature to adjacent land uses, and that the proposed use will not create undue traffic congestion in the adjacent streets.
 - d. To permit new structures and substantial improvements to be erected in the designated floodway of the Flood Hazard District on a lot of one-half acre or less in size contiguous to and surrounded by lots of existing structures constructed below the base flood level when (1) good and sufficient cause is shown (2) it is determined that the exception is the minimum necessary (considering the flood hazard) to afford relief, and (3) that the granting of the exception will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing ordinances.
 - e. To allow the continued use of a legal non-conforming gravel driveway and/or parking area within the Central Core Area (as defined) when it can be determined that both of the following conditions are met (1) the parking area has existed since July 1966,

and (2) the owner has agreed to install permanent or semi-permanent borders to aid in visually verifying the actual extent of usage.

- f. Where an ADU is not already existing on a parcel, to permit a mobile home to serve as a temporary second dwelling to relieve a medical hardship. The application must include a doctor's statement indicating that the patient is in need of the care of his or her family. The mobile home must meet all City of Norman Building Code requirements and State of Oklahoma requirements for septic systems. The Exception can be approved for up to three years on any lot that is five acres or greater in the A-2 zoning district. The Exception can be renewed every three years by filing an application for an administrative extension, including a new doctor's statement. Only two (2) administrative extensions may be granted. If a third extension is needed, a new application will be required for Board of Adjustment review. Once the need for the mobile home no longer exists, the mobile home must be removed. While an applicant utilizes this special exception, an ADU may not be added to the same parcel.

- (h) *Procedure for application for special exceptions.* Applications may be taken to the Board of Adjustment for special exceptions to this chapter, above-defined and enumerated in subsection (g) of this section, by any person aggrieved or by any officer or bureau of the governing body of said City. A special exception shall not be granted by the Board of Adjustment unless and until:

- (1) An applicant shall submit to the Board of Adjustment a written application for said special exception indicating the section of this chapter under which the special exception is sought and stating the grounds upon which it is requested. An application for a special exception to the provisions of NCC ch. 28 shall include the following plans and information:

- a. The name, address, and telephone number of the owner or person entitled to possession of the sign and of the sign contractor or erector;
- b. The location by street address of the proposed sign structure;
- c. A site plan, drawn to scale, showing the location of the proposed sign, the location of existing or proposed buildings or other structures on the lot, the location of existing signs and proposed signs on the premises, the location of public rights-of-way on or adjacent to the property, and the location of vehicular entrances or exits on the property;
- d. Elevation drawings of the proposed sign, drawn to scale, showing major dimensions of the proposed sign, including height, clearance above sidewalks and distance of projection from the building, proposed sign copy, and pertinent architectural details and location of any landscaping to be provided in connection with the sign;
- e. Type and location of proposed illumination;
- f. Elevation or perspective drawings, or photographs, showing the architectural design and construction materials of existing or proposed

building on the lot, when such information is pertinent to the application;

g. Any additional information which the applicant feels may support the request.

- (2) A fee of \$200.00 shall be paid to the Planning and Community Development Department to cover the cost and expense of the appeal to the Board of Adjustment.
- (3) The applicant shall submit with each application a list of names and addresses of all record property owners within a 300-foot-radius of the exterior boundary of the subject property, said radius to be extended by increments of 100 linear feet until the list of property owners includes not less than 15 individual property owners of separate parcels or until a maximum radius of 1,000 feet has been reached. Said list shall be current and certified by a professional engineer, an attorney, a registered surveyor, a bonded abstractor, or the County Assessor. Maps and forms to accomplish the above requirement will be available at the City Planning and Community Development Department.
- (4) Upon receipt of said written application, fee, and list, notice of public hearing before the Board of Adjustment shall be given by publication in a newspaper of general circulation in the City not less than ten days before the meeting of the Board. In addition, notice by the Chairman of said Board to all owners of property within a 300-foot or larger radius of the exterior boundary of the subject property shall be mailed not less than ten days before the meeting of the Board. Said notice shall contain:
 - a. Legal description of the property and the street address or approximate location in the City;
 - b. Present zoning classification of the property and the nature of the exception requested;
 - c. Date, time, and place of hearing.

A copy of the published notice may be mailed in lieu of written notice. However, no notice of hearing shall be required on hearings involving minor exceptions, and the Board shall set forth in its statement of policy what constitutes minor exceptions. Such minor exceptions shall be approved by the City Council.

- (i) *Hearing of the Board of Adjustment on a special exception.* The public hearing shall be held in accordance with the following provisions:
 - (1) At said hearing, any party may appear in person or by agent or attorney;
 - (2) In those instances where a special exception is granted the Board of Adjustment shall make a finding that the granting of such special exception will not adversely affect the public interest;
 - (3) In granting any special exception, the Board of Adjustment shall prescribe the appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter and punishable under the penalty sections of this chapter. The

Board of Adjustment shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

(j) *Variance defined.* The term "variance" means a relaxation of the terms of this chapter, when such variance will not be contrary to the public interest, and where, owing to the conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship, as hereinafter defined. As in this chapter a variance is authorized for any development standard contained in NCC 36-III and 36-IV except where a special exception is defined and enumerated in NCC 36-570.

(k) *Procedure for application for variances.* The Board of Adjustment shall have the power to authorize, upon appeal in specific cases, such variances from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions would result in an unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:

- (1) An applicant shall submit to the Board of Adjustment a written application indicating:
 - a. That special conditions and circumstances exist that are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same district;
 - b. That the literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
 - c. That the special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variances requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structure, or buildings in the same district;

No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

- (2) A fee of \$200.00 shall be paid to the Planning and Community Development Department to cover the cost and expense of the appeal to the Board of Adjustment;
- (3) The applicant shall submit with each application a list of names and addresses of all record property owners within a 300-foot-radius of the exterior boundary of the subject property, said radius to be extended by increments of 100 linear feet until the list of property owners includes not less than 15 individual property owners of separate parcels or until a maximum radius of 1,000 feet has been reached. Said list shall be current and certified by a professional engineer, an attorney, a registered surveyor, a bonded abstractor, or the County Assessor. Maps and forms to accomplish the above requirement will be available at the City Planning and Community Development

Department;

- (4) Upon receipt of said written application, fee, and list, notice of public hearing before the Board of Adjustment shall be given by publication in a newspaper of general circulation in the City not less than ten days before the meeting of the Board. In addition, notice of public hearing shall be given by mailing written notice by the Chairman of said Board to all owners of property within a 300-foot or larger radius of the exterior boundary of the subject property. Said notice shall contain:

- a. Legal description of the property and the street address or approximate location in the City;
- b. Present zoning classification of the property and the nature of the variance requested;
- c. Date, time, and place of hearing.

Said written notice shall be mailed not less than 15 days before the meeting of the Board. A copy of the published notice may be mailed in lieu of written notice. However, no notice of hearing shall be required on hearings involving minor variances, and the Board shall set forth in its statement of policy what constitutes minor variances. Such minor variance shall be approved by the City Council.

- (5) A variance from the terms of NCC ch. 28 shall not be granted by the Board of Adjustment unless and until an applicant shall comply with all provisions of this section and also indicate by written application that:

- a. There are special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structure or other matters on right-of-way, which would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions must be peculiar to the particular business or enterprise to which the applicant desired to draw attention and do not apply generally to all business or enterprises.
- b. The variance would be in general harmony with the purposes of this Code, and specifically would not be injurious to the neighborhood in which the business or enterprise to which the applicant desired to draw attention is located.
- c. The variance is the minimum one necessary to permit the applicant to reasonably draw attention to his business or enterprise.

- (6) A minor variance may be granted by the Board of Adjustment for an encroachment upon any required building setback line when that encroachment represents approximately ten percent of the required yard or involves only a minor portion of the structure.

- a. A minor variance may be granted only upon a finding by the Board of Adjustment that the application of the ordinance to the particular property would create an unnecessary hardship, that there are peculiar conditions of the property which contributed to the encroachment, and relief, if granted, would not cause detriment to the surrounding properties or the public good, or impair the purposes and intent of the

ordinance.

- b. A fee of \$300.00 dollars shall be paid to the Planning and Community Development Department to cover the cost and expense of the appeal to the Board of Adjustment.
- c. The applicant shall submit with each application an accurate list of names and addresses of all record property owners adjacent to, or directly across the street, from the subject property. Notice, by certified mail, shall be mailed not less than ten days before the meeting of the Board, and shall contain the facts listed in subsection (1)(4) of this section.

(l) *Hearing of the Board of Adjustment on a variance.* The public hearing shall be held in accordance with the following provisions:

- (1) At said hearing, any party may appear in person or by agent or attorney;
- (2) The Board of Adjustment shall make a finding that the requirements of subsection (1)(1) of this section have been met by the applicant for variance;
- (3) The Board of Adjustment shall further make a finding that the reason set forth in the application justifies the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, structure, or building;
- (4) The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the purpose and intent of this chapter, will not be injurious to the neighborhood, or will not be otherwise detrimental to the public welfare;
- (5) The Board of Adjustment, in granting any variance, shall prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and shall be punishable under the penalty section of this chapter;
- (6) The Board of Adjustment shall under no circumstances grant a variance to allow a use not permissible under the applicable terms of this chapter or other general ordinance of said City with respect to the use district concerned, nor shall the Board of Adjustment hear or decide upon any matters that could be determined by regular zoning procedures before the Planning Commission and City Council of the City; nor grant any variance by reason of the existence of nonconforming uses in the district concerned or in adjoining districts;
- (7) For the purposes of this chapter, the term "hardship" means a hardship peculiar to the property of the applicant that is of such a degree of severity that its imposition is not necessary to carry out the spirit of this chapter and that would amount to substantial and unnecessary waste of the property;
- (8) The Board of Adjustment shall not have the authority to grant any variance which would increase the maximum permitted sign area on a single lot or building as specified in this code, or to allow any sign classified as a prohibited sign as specified in NCC 28-403.

(m) *Provisions of chapter declared to be minimum requirements.* The provisions of this chapter, in their interpretation and application, shall be held to be minimum requirements adopted for the promotion of public health, safety, morals, or general welfare. Wherever the requirements of this chapter are at variance with the requirements of any of the lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standard shall govern.

(Ord. No. O-7778-70, 6-27-1978; Ord. No. O-7879-41, 3-27-1979; Ord. No. O-7879-41, 1-30-1979; Ord. No. O-8586-86, 5-27-1986; Ord. No. O-8788-48, 5-10-1988; Ord. No. O-8990-43, 7-10-1990; Ord. No. O-9091-10, 12-11-1990; Ord. No. O-9192-43, 4-28-1992; Ord. No. O-9192-48, 4-28-1992; Ord. No. O-9394-19, 12-28-1993; Ord. No. O-0405-30, 1-24-2006; Ord. No. O-0506-35, 2-28-2006; Ord. No. O-1314-15, 4-22-2014; Ord. No. O-1920-44, 7-23-2020; Ord. No. O-1920-51, 7-23-2020; Ord. No. O-2021-31; Ord. No. O-2223-20, 1-24-23)

SECTION 18: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

PASSED AND ADOPTED BY THE CITY OF NORMAN CITY COUNCIL

AYE

NAY

ABSENT

ABSTAIN

Presiding Officer

, Attest

Larry Heikkila, Mayor, City of
Norman

Brenda Hall, City Clerk, City of
Norman

**CITY OF NORMAN
ORDINANCE O-2425-14**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE 2-III, DIVISION 2-III-1, SECTION 2-301 OF THE CODE OF THE CITY OF NORMAN INCREASING THE NUMBER OF PERSONS FOR THE BOARD OF ADJUSTMENT FROM FIVE TO SEVEN, AMENDING CITY PLANNING COMMISSION MEMBERSHIP TO REQUIRE A PERSON FROM EACH WARD AND ONE AT-LARGE PERSON, DECREASING THE TERMS OF PERSONS ON THE BOARD OF APPEALS FROM FOUR TO THREE YEAR TERMS, AND ADDING NORMAN ELECTION COMMISSION: SEVEN PERSONS WITH THREE-YEAR TERMS; AMENDING DIVISION 2-III-6, SECTION 3-216, ADDING OVERSIGHT OVER TREE PROTECTION TO THE BOARD OF PARK COMMISSIONERS AUTHORITY; REPEALING DIVISION 2-III-9, GREENBELT COMMISSION IN ITS ENTIRETY; REPEALING DIVISION 2-III-16, TREE BOARD IN ITS ENTIRETY; AMENDING ARTICLE 10-II, SECTION 10-201, NORMAN ELECTION COMMISSION, TO CHANGE A FIVE MEMBER COMMITTEE TO SEVEN; AND AMENDING ARTICLE 36-V-4, SECTION 36-570(A)(2) TO INCREASE THE CONCURRING VOTE REQUIRED FOR THE BOARD OF ADJUSTMENT FROM THREE TO FOUR MEMBERS.

NOW THEREFORE, be it ordained by the City Council of the City of Norman, in the State of Oklahoma, as follows:

SECTION 1: AMENDMENT "2-301 Appointive Boards And Commissions; Appointments; Terms Of Office" of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

2-301 Appointive Boards And Commissions; Appointments; Terms Of Office

The appointed members of the following boards and commissions shall first be nominated by the Mayor and then confirmed by a majority of the Council and the number of appointive members of each respective body and their overall respective terms of office shall be as listed below:

- (a) Board of Adjustment: seven persons for three-year terms.
- (b) Norman Regional Hospital Authority: Nine persons for three-year terms.
- (c) Board of Park Commissioners: Nine persons for three-year terms;
- (d) Environmental Control Advisory Board: Nine persons for three-year terms.
- (e) Human Rights Commission: Nine persons for three-year terms.
- (f) Library Board: Nine persons for three-year terms.

- (g) City Planning Commission: Nine persons for three-year terms.
- (h) Public Housing Authority: Five persons for three-year terms.
- (i) Social and Voluntary Services Commission: Nine persons for three-year terms.
- (j) Board of Appeals: Five persons and one alternate for three-year terms.
- (k) Historic District Commission: Nine persons for three-year terms
- (l) Economic Development Advisory Board: Seven persons for three-year terms.
- (m) Norman Election Commission: Seven persons for three-year terms.

(Code 1976, § 4-101; Ord. No. O-7475-31; Ord. No. O-7677-31; Ord. No. O-7879-20; Ord. No. O-8081-55; Ord. No. O-8081-69; Ord. No. O-8283-40; Ord. No. O-8384-136; Ord. No. O-8889-11; Ord. No. O-9091-23; Ord. No. O-9293-31; Ord. No. O-0001-39; Ord. No. O-1213-42, § 1)

SECTION 2: **AMENDMENT** "2-316 Duties And Powers Of The Board" of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

2-316 Duties And Powers Of The Board

The Board of Park Commissioners shall advise the City Council on policies pertaining to the use of the park and recreational facilities of the City and, pursuant thereto:

- (a) Propose rules and regulations for the maintenance of order, safety, and decency in those parks and recreational facilities;
- (b) Consider and investigate any matter affecting the development and improvement of parks and recreational facilities and policies pertaining to the use of those facilities;
- (c) Make recommendations to improve the park and recreational facilities;
- (d) Make recommendations regarding systems of supervised recreation, and modifications in existing recreational programs;
- (e) Act as the presiding authority over the matters contained in NCC 16-IX, with review and oversight by the City Council;
- (f) Provide copies of the minutes of its meetings to the office of the City Clerk within ten days from the date of their approval; and
- (g) Provide an annual report of the Board's acts and affairs.

(Code 1976, § 4-501; Ord. No. O-7475-31)

SECTION 3: **REPEAL** "DIVISION 2-III-9 GREENBELT COMMISSION" of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

DIVISION 2-III-9 RESERVED

SECTION 4: REPEAL "2-324 Purpose" of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

2-324 Purpose

(Code 1976, § 4-2021; Ord. No. O-0304-71)

SECTION 5: REPEAL "2-325 Authority" of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

2-325 Authority

(Code 1976, § 4-2022; Ord. No. O-0304-71; Ord. No. O-1011-6, § 1)

SECTION 6: REPEAL "2-326 Duties And Powers Of The Greenbelt Commission" of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

2-326 Duties And Powers Of The Greenbelt Commission

(Code 1976, § 4-2023; Ord. No. O-0304-71; Ord. No. O-1011-6, § 2)

SECTION 7: AMENDMENT "2-327 Definitions" of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

2-327 Definitions

(Code 1976, § 4-2023A; Ord. No. O-1011-6, § 3)

SECTION 8: **REPEAL** “2-328 Expenditure Of City Funds, Compensation, Reimbursement Of Expenses” of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

2-328 Expenditure Of City Funds, Compensation, Reimbursement Of Expenses

(Code 1976, § 4-2024; Ord. No. O-0304-71)

SECTION 9: **REPEAL** “2-329 Review By The City Council” of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

2-329 Review By The City Council

(Code 1976, § 4-2025; Ord. No. O-0304-71; Ord. No. O-1011-6, § 4)

SECTION 10: **REPEAL** “2-330 Specific Principles, Purposes And Goals Of The Greenbelt System” of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

2-330 Specific Principles, Purposes And Goals Of The Greenbelt System

(Code 1976, § 4-2026; Ord. No. O-1011-6, § 5)

SECTION 11: **REPEAL** “2-331 Greenbelt Enhancement Statements” of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

2-331 Greenbelt Enhancement Statements

(Code 1976, § 4-2027; Ord. No. O-1011-6, § 6)

SECTION 12: **AMENDMENT** “2-332 Guidelines For Evaluating Greenbelt Enhancement Statements” of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

2-332 Guidelines For Evaluating Greenbelt Enhancement

...

1976, § 4-2028; Ord. No. O-1011-6, § 7)

SECTION 13: **REPEAL** “2-333 Policy For Acquiring Greenways, Trails, And Other Green Space” of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

2-333 Policy For Acquiring Greenways, Trails, And Other Green Space

(Code 1976, § 4-2029; Ord. No. O-1011-6, § 8)

SECTION 14: **REPEAL** “DIVISION 2-III-16 TREE BOARD” of the City of Norman Municipal Code is hereby *repealed* as follows:

REPEAL

DIVISION 2-III-16 RESERVED

SECTION 15: AMENDMENT "2-346 Duties And Powers Of The Tree Board" of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

2-346 Duties And Powers Of The Tree

(Code 1976, § 4-1301; Ord. No. O-0102-44; Ord. No. O-0304-21; Ord. No. O-1011-27, § 1)

SECTION 16: AMENDMENT "10-201 Definitions" of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

10-201 Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Campaign committee means a committee which may be composed of one or more persons the purpose of which is to support the election of a specific candidate to municipal office, whose name as it will appear on the ballot shall appear in the name of the committee.

Candidate means any person who publicly seeks nomination or election to any elective municipal office in the City government.

Election means any municipal election, municipal runoff election, or special election held in the City at which candidates for public office are voted upon.

Municipal office means any elective municipal office for which declarations of candidacy are filed with the Secretary of the County Election Board as required by 11 O.S. §§ 16-109 and 16-110.

Municipal Political Committee means any committee composed of one or more persons whose purpose includes the election or defeat of one or more candidates for municipal office, but which is not required to register with the Ethics Commission or the Federal Election Commission.

Norman Election Commission means a seven-member committee, appointed by the Mayor and approved by a majority of the City Council to serve three-year staggered terms. The terms of

initial appointments shall be adjusted so as to provide that no more than two terms shall expire in any one year; subsequent appointments shall be for three-year terms.

(Code 1976, § 7.5-21; Ord. No. O-1415-23, § 1)

SECTION 17: **AMENDMENT** "36-570 Board Of Adjustment" of the City of Norman Municipal Code is hereby *amended* as follows:

AMENDMENT

36-570 Board Of Adjustment

- (a) *Establishment of a Board of Adjustment and proceedings thereof.* A Board of Adjustment and rules for the conduct of proceedings are hereby established, as provided in NCC 2-III and 2-IV.
- (b) *Duties of an administrative official, Board of Adjustment, City Council, and courts on matters of appeal.*
 - (1) It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to an administrative official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of an administrative official, and that recourse from the decision of the Board of Adjustment shall be by appeal to the District Court as herein provided.
 - (2) It is further intent of this chapter that the duties of the City Council, in connection with this chapter, shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as Stated in this section and this chapter. Under this chapter, the City Council shall have only the duties of:
 - a. Considering, adopting, or rejecting proposed amendments, or repealing this chapter, as provided by law; and
 - b. Establishing a schedule of fees for appeals hereunder for building permits and all other expenses connected with the enforcement of this chapter.
- (c) *Powers.* The Board of Adjustment shall have the following powers:
 - (1) Upon proper application, to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official, as well as the Historic District Commission, in the enforcement of this chapter or any other ordinance adopted pursuant thereto.
 - (2) Upon proper application to hear and decide special exceptions to the terms of this chapter as hereinafter enumerated in subsection (g) of this section and as enumerated in NCC ch. 28.
 - (3) Upon proper application, to hear and authorize in specific cases such

variances from the terms of this chapter as are allowed under subsection (j) of this section.

(d) *Decisions of the Board of Adjustment.*

- (1) In exercising the above-mentioned powers, the Board of Adjustment shall reverse or affirm, wholly or in part, shall modify the order, requirement, decision, or determination appealed from, shall make such order, requirement, decision, or determination as ought to be made, so long as such action is in conformity with the terms of this chapter, and to that end shall have the powers of an administrative official from whom the appeal is taken.
- (2) The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the administrative official, to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to affect any variation in the application of this chapter.

(e) *Appeals from the Board of Adjustment.*

- (1) Any person, Board, taxpayer, department, or bureau of the City aggrieved by any decision of the Board of Adjustment may, within ten days after the meeting wherein such decision was reached, seek review by the District Court and also by filing a copy with the City Clerk and with the Chairman of the Board of Adjustment, a notice of appeal, which said notice shall specify in detail the grounds of such appeal. Upon filing of the notice of appeal, as herein provided, said Board shall forthwith cause to be transmitted to the Court Clerk of the District Court the original, or certified copies, of all the papers constituting the record in the case, together with the order, decision, or ruling of the Board. Said case shall be heard and tried de novo in the District Court as in all other civil actions. Failure to file an appeal shall mean the Board's action is considered final.
- (2) An appeal to the District Court from the Board of Adjustment stays all proceedings and the action appealed from unless the Chairman of the Board of Adjustment, from which the appeal is taken, certifies to the Court Clerk after the notice of appeal has been filed, that by reason of fact Stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the District Court upon application or notice to an administrative official in charge of the enforcement of the terms and provisions of this chapter, upon notice to the Chairman of the Board of Adjustment from which the appeal is taken, and upon due cause being shown the Court may reverse or affirm, wholly or partly, or modify, the decision brought up for review.

- (f) *Procedure for appeal of the decision of an administrative official or Historic District Commission to the Board of Adjustment.* Appeals may be taken to the Board of Adjustment by any person aggrieved or by any officer or bureau of the governing body of said City affected by any decision of an administrative official concerning

interpretation or administration of this chapter. Such appeals shall be taken within a reasonable time, not to exceed 30 days, by filing with an administrative official and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. In addition, such person shall deposit with the Planning and Community Development Department a fee of \$150.00 to cover the cost and expense of appeal to the Board of Adjustment.

- (1) An administrative official shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken.
- (2) The Board of Adjustment shall fix a reasonable time for the hearing of an appeal give public notice thereof, as well as due notice to the parties in interest, and shall decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.
- (3) An appeal stays all proceedings in furtherance of the action appealed from unless an administrative official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of fact Stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by restraining order, which may be granted by the Board of Adjustment or by a court of competent jurisdiction upon application, upon notice to an administrative official from whom the appeal is taken, and upon due cause being shown.

(g) *Special exceptions defined and enumerated.*

- (1) The term "special exception" means a use that would not be appropriate generally or without restriction throughout the zoning district but which if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as special exceptions if specific provision for such special exceptions is made hereafter.
- (2) The Board of Adjustment is hereby empowered and authorized to grant the following specific exceptions, to wit:
 - a. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
 - b. To interpret the provisions of the ordinance where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is attached to and made a part of this ordinance.
 - c. To grant exceptions to the off-street parking requirements as set forth in Article 36, Section 548, when it is determined that the size and shape of the lot to be built on is such that off-street parking provisions could not be complied with, that the proposed use of land is similar in

nature to adjacent land uses, and that the proposed use will not create undue traffic congestion in the adjacent streets.

- d. To permit new structures and substantial improvements to be erected in the designated floodway of the Flood Hazard District on a lot of one-half acre or less in size contiguous to and surrounded by lots of existing structures constructed below the base flood level when (1) good and sufficient cause is shown (2) it is determined that the exception is the minimum necessary (considering the flood hazard) to afford relief, and (3) that the granting of the exception will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing ordinances.
- e. To allow the continued use of a legal non-conforming gravel driveway and/or parking area within the Central Core Area (as defined) when it can be determined that both of the following conditions are met (1) the parking area has existed since July 1966, and (2) the owner has agreed to install permanent or semi-permanent borders to aid in visually verifying the actual extent of usage.
- f. Where an ADU is not already existing on a parcel, to permit a mobile home to serve as a temporary second dwelling to relieve a medical hardship. The application must include a doctor's statement indicating that the patient is in need of the care of his or her family. The mobile home must meet all City of Norman Building Code requirements and State of Oklahoma requirements for septic systems. The Exception can be approved for up to three years on any lot that is five acres or greater in the A-2 zoning district. The Exception can be renewed every three years by filing an application for an administrative extension, including a new doctor's statement. Only two (2) administrative extensions may be granted. If a third extension is needed, a new application will be required for Board of Adjustment review. Once the need for the mobile home no longer exists, the mobile home must be removed. While an applicant utilizes this special exception, an ADU may not be added to the same parcel.
- (h) *Procedure for application for special exceptions.* Applications may be taken to the Board of Adjustment for special exceptions to this chapter, above-defined and enumerated in subsection (g) of this section, by any person aggrieved or by any officer or bureau of the governing body of said City. A special exception shall not be granted by the Board of Adjustment unless and until:
 - (1) An applicant shall submit to the Board of Adjustment a written application for said special exception indicating the section of this chapter under which the special exception is sought and stating the grounds upon which it is requested. An application for a special exception to the provisions of NCC ch. 28 shall include the following plans and information:

- a. The name, address, and telephone number of the owner or person entitled to possession of the sign and of the sign contractor or erector;
 - b. The location by street address of the proposed sign structure;
 - c. A site plan, drawn to scale, showing the location of the proposed sign, the location of existing or proposed buildings or other structures on the lot, the location of existing signs and proposed signs on the premises, the location of public rights-of-way on or adjacent to the property, and the location of vehicular entrances or exits on the property;
 - d. Elevation drawings of the proposed sign, drawn to scale, showing major dimensions of the proposed sign, including height, clearance above sidewalks and distance of projection from the building, proposed sign copy, and pertinent architectural details and location of any landscaping to be provided in connection with the sign;
 - e. Type and location of proposed illumination;
 - f. Elevation or perspective drawings, or photographs, showing the architectural design and construction materials of existing or proposed building on the lot, when such information is pertinent to the application;
 - g. Any additional information which the applicant feels may support the request.
- (2) A fee of \$200.00 shall be paid to the Planning and Community Development Department to cover the cost and expense of the appeal to the Board of Adjustment.
- (3) The applicant shall submit with each application a list of names and addresses of all record property owners within a 300-foot-radius of the exterior boundary of the subject property, said radius to be extended by increments of 100 linear feet until the list of property owners includes not less than 15 individual property owners of separate parcels or until a maximum radius of 1,000 feet has been reached. Said list shall be current and certified by a professional engineer, an attorney, a registered surveyor, a bonded abstractor, or the County Assessor. Maps and forms to accomplish the above requirement will be available at the City Planning and Community Development Department.
- (4) Upon receipt of said written application, fee, and list, notice of public hearing before the Board of Adjustment shall be given by publication in a newspaper of general circulation in the City not less than ten days before the meeting of the Board. In addition, notice by the Chairman of said Board to all owners of property within a 300-foot or larger radius of the exterior boundary of the subject property shall be mailed not less than ten days before the meeting of the Board. Said notice shall contain:
- a. Legal description of the property and the street address or

approximate location in the City;

b. Present zoning classification of the property and the nature of the exception requested;

c. Date, time, and place of hearing.

A copy of the published notice may be mailed in lieu of written notice. However, no notice of hearing shall be required on hearings involving minor exceptions, and the Board shall set forth in its statement of policy what constitutes minor exceptions. Such minor exceptions shall be approved by the City Council.

(i) *Hearing of the Board of Adjustment on a special exception.* The public hearing shall be held in accordance with the following provisions:

- (1) At said hearing, any party may appear in person or by agent or attorney;
- (2) In those instances where a special exception is granted the Board of Adjustment shall make a finding that the granting of such special exception will not adversely affect the public interest;
- (3) In granting any special exception, the Board of Adjustment shall prescribe the appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter and punishable under the penalty sections of this chapter. The Board of Adjustment shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

(j) *Variance defined.* The term "variance" means a relaxation of the terms of this chapter, when such variance will not be contrary to the public interest, and where, owing to the conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship, as hereinafter defined. As in this chapter a variance is authorized for any development standard contained in NCC 36-III and 36-IV except where a special exception is defined and enumerated in NCC 36-570.

(k) *Procedure for application for variances.* The Board of Adjustment shall have the power to authorize, upon appeal in specific cases, such variances from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions would result in an unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:

- (1) An applicant shall submit to the Board of Adjustment a written application indicating:
 - a. That special conditions and circumstances exist that are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same district;

- b. That the literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
- c. That the special conditions and circumstances do not result from the actions of the applicant;
- d. That granting the variances requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structure, or buildings in the same district;

No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

- (2) A fee of \$200.00 shall be paid to the Planning and Community Development Department to cover the cost and expense of the appeal to the Board of Adjustment;
- (3) The applicant shall submit with each application a list of names and addresses of all record property owners within a 300-foot-radius of the exterior boundary of the subject property, said radius to be extended by increments of 100 linear feet until the list of property owners includes not less than 15 individual property owners of separate parcels or until a maximum radius of 1,000 feet has been reached. Said list shall be current and certified by a professional engineer, an attorney, a registered surveyor, a bonded abstractor, or the County Assessor. Maps and forms to accomplish the above requirement will be available at the City Planning and Community Development Department;
- (4) Upon receipt of said written application, fee, and list, notice of public hearing before the Board of Adjustment shall be given by publication in a newspaper of general circulation in the City not less than ten days before the meeting of the Board. In addition, notice of public hearing shall be given by mailing written notice by the Chairman of said Board to all owners of property within a 300-foot or larger radius of the exterior boundary of the subject property. Said notice shall contain:
 - a. Legal description of the property and the street address or approximate location in the City;
 - b. Present zoning classification of the property and the nature of the variance requested;
 - c. Date, time, and place of hearing.

Said written notice shall be mailed not less than 15 days before the meeting of the Board. A copy of the published notice may be mailed in lieu of written notice. However, no notice of hearing shall be required on hearings involving minor variances, and the Board shall set forth in its statement of policy what constitutes minor variances. Such minor variance shall be approved by the City Council.

- (5) A variance from the terms of NCC ch. 28 shall not be granted by the Board of

Adjustment unless and until an applicant shall comply with all provisions of this section and also indicate by written application that:

- a. There are special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structure or other matters on right-of-way, which would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions must be peculiar to the particular business or enterprise to which the applicant desired to draw attention and do not apply generally to all business or enterprises.
 - b. The variance would be in general harmony with the purposes of this Code, and specifically would not be injurious to the neighborhood in which the business or enterprise to which the applicant desired to draw attention is located.
 - c. The variance is the minimum one necessary to permit the applicant to reasonably draw attention to his business or enterprise.
- (6) A minor variance may be granted by the Board of Adjustment for an encroachment upon any required building setback line when that encroachment represents approximately ten percent of the required yard or involves only a minor portion of the structure.
- a. A minor variance may be granted only upon a finding by the Board of Adjustment that the application of the ordinance to the particular property would create an unnecessary hardship, that there are peculiar conditions of the property which contributed to the encroachment, and relief, if granted, would not cause detriment to the surrounding properties or the public good, or impair the purposes and intent of the ordinance.
 - b. A fee of \$300.00 dollars shall be paid to the Planning and Community Development Department to cover the cost and expense of the appeal to the Board of Adjustment.
 - c. The applicant shall submit with each application an accurate list of names and addresses of all record property owners adjacent to, or directly across the street, from the subject property. Notice, by certified mail, shall be mailed not less than ten days before the meeting of the Board, and shall contain the facts listed in subsection (1)(4) of this section.
- (1) *Hearing of the Board of Adjustment on a variance.* The public hearing shall be held in accordance with the following provisions:
- (1) At said hearing, any party may appear in person or by agent or attorney;
 - (2) The Board of Adjustment shall make a finding that the requirements of subsection (1)(1) of this section have been met by the applicant for variance;
 - (3) The Board of Adjustment shall further make a finding that the reason set forth in the application justifies the granting of the variance and that the variance is

the minimum variance that will make possible the reasonable use of the land, structure, or building;

- (4) The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the purpose and intent of this chapter, will not be injurious to the neighborhood, or will not be otherwise detrimental to the public welfare;
 - (5) The Board of Adjustment, in granting any variance, shall prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and shall be punishable under the penalty section of this chapter;
 - (6) The Board of Adjustment shall under no circumstances grant a variance to allow a use not permissible under the applicable terms of this chapter or other general ordinance of said City with respect to the use district concerned, nor shall the Board of Adjustment hear or decide upon any matters that could be determined by regular zoning procedures before the Planning Commission and City Council of the City; nor grant any variance by reason of the existence of nonconforming uses in the district concerned or in adjoining districts;
 - (7) For the purposes of this chapter, the term "hardship" means a hardship peculiar to the property of the applicant that is of such a degree of severity that its imposition is not necessary to carry out the spirit of this chapter and that would amount to substantial and unnecessary waste of the property;
 - (8) The Board of Adjustment shall not have the authority to grant any variance which would increase the maximum permitted sign area on a single lot or building as specified in this code, or to allow any sign classified as a prohibited sign as specified in NCC 28-403.
- (m) *Provisions of chapter declared to be minimum requirements.* The provisions of this chapter, in their interpretation and application, shall be held to be minimum requirements adopted for the promotion of public health, safety, morals, or general welfare. Wherever the requirements of this chapter are at variance with the requirements of any of the lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standard shall govern.

(Ord. No. O-7778-70, 6-27-1978; Ord. No. O-7879-41, 3-27-1979; Ord. No. O-7879-41, 1-30-1979; Ord. No. O-8586-86, 5-27-1986; Ord. No. O-8788-48, 5-10-1988; Ord. No. O-8990-43, 7-10-1990; Ord. No. O-9091-10, 12-11-1990; Ord. No. O-9192-43, 4-28-1992; Ord. No. O-9192-48, 4-28-1992; Ord. No. O-9394-19, 12-28-1993; Ord. No. O-0405-30, 1-24-2006; Ord. No. O-0506-35, 2-28-2006; Ord. No. O-1314-15, 4-22-2014; Ord. No. O-1920-44, 7-23-2020; Ord. No. O-1920-51, 7-23-2020; Ord. No. O-2021-31; Ord. No. O-2223-20, 1-24-23)

SECTION 18: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

PASSED AND ADOPTED BY THE CITY OF NORMAN CITY COUNCIL

AYE

NAY

ABSENT

ABSTAIN

Presiding Officer

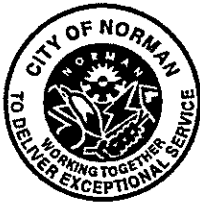
Attest

Larry Heikkila, Mayor, City of
Norman

Brenda Hall, City Clerk, City of
Norman

File Attachments for Item:

20. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-21 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A CHURCH, TEMPLE, OR OTHER PLACE OF WORSHIP WITH A WAIVER OF SECTION 36-547(a)(4) PERTAINING TO EXTERIOR APPEARANCE IN THE R-1, SINGLE-FAMILY DWELLING DISTRICT FOR LOT ONE (1), IN BLOCK SEVENTEEN (17), OF HALL PARK FOURTH ADDITION OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1501 24TH AVE NE)



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 02/25/2025

REQUESTER: Wildwood Community Church, Inc.

PRESENTER: Jane Hudson, Planning & Community Development Director

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-21 UPON SECOND AND FINAL READING; AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A CHURCH, TEMPLE, OR OTHER PLACE OF WORSHIP WITH A WAIVER OF SECTION 36-547(a)(4) PERTAINING TO EXTERIOR APPEARANCE IN THE R-1, SINGLE-FAMILY DWELLING DISTRICT FOR LOT ONE (1), IN BLOCK SEVENTEEN (17), OF HALL PARK FOURTH ADDITION OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1501 24TH AVE NE)

APPLICANT/REPRESENTATIVE	Wildwood Community Church, Inc./Rieger Sadler and Joyce LLC.
LOCATION	1501 24 th Avenue NE
WARD	6
REQUESTED ACTION	Site Plan amendment for Special Use for a Church, Temple, or Other Place of Worship and Waiver to the Exterior Appearance Materials
LAND USE PLAN DESIGNATION	Institutional
GROWTH AREA DESIGNATION	Current Urban Service Area

BACKGROUND: This site is situated in the Hall Park Subdivision; the 6.67-acre parcel is currently home to the Wildwood Community Church. The subject property is currently zoned R-1, Single-Family Dwelling District, with Special Use for a Church, Temple or Place of Worship under Ordinance O-0607-04. The applicant is requesting to amend the existing approved site plan with the addition of a new accessory building/gymnasium; therefore, they must update the Special Use zoning for the site. The applicant intends to construct a 12,000 square foot student

center and gymnasium. The applicant has been informed that the project must meet all pertinent Zoning Ordinance requirements for commercial projects, including landscaping, building requirements, and commercial outdoor lighting standards.

PROCEDURAL REQUIREMENTS:

GREENBELT COMMISSION MEETING: This property is already platted; therefore, Greenbelt review is not a requirement for this request.

PRE-DEVELOPMENT:

PD24-17

December 19, 2024

No neighbors attended this meeting.

BOARD OF PARKS COMMISSIONERS: This zoning project does not require a Board of Parks Commissioners review for parkland dedication. This applicant did previously approach the Board of Parks Commissioners regarding pedestrian bridges that will cross City parkland, allowing the Church direct access to parking lots on the north and south sides, as well as construction of a sidewalk along 24th Ave. NE to the south of the church. Wildwood agreed to be responsible for the maintenance and use of these bridges and, in a separate process not dependent upon this application, the City is currently in discussions regarding the necessary actions to effectuate this arrangement. See the attached minutes of the December 7, 2023 Board of Parks Commissioners meeting.

ZONING ORDINANCE CITATION: A Special Use request shall be reviewed and evaluated on the following criteria according to Sec. 36-560, Special Uses:

1. Conformance with applicable regulations and standards established by the Zoning Regulations.
2. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.
3. Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use. (NOTE: Throughout this Section, "Permitted Use" means any use authorized as a matter of right under the applicable zoning district.)
4. Modifications to the site plan which would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulations and standards and to protect the public health, safety, morals, and general welfare.
5. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed "Special Use" and other uses authorized and anticipated in the area, considering existing zoning and land uses in the area.

6. That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed "Special Use" with existing or permitted uses in the surrounding area.

STAFF ANALYSIS: The applicant proposes to construct a 12,000 square foot student center and gymnasium, in conjunction with the continued use of the church. The proposed building will be placed south and east of the existing church building. The addition of the proposed building will result in a net loss of sixty-nine parking spaces. The applicant is restriping and rearranging the accessible parking spaces directly west of the proposed building. Through a separate application, not part of this zoning request, the applicant is proposing to add an additional off-street parking area located south of the subject property. This new parking area consists of 115 parking spaces with a pedestrian bridge that allows passage through the adjacent parkland, the bridge will be donated to the City of Norman as an improvement and will be open to the public. As noted above, the pedestrian bridge proposal/dedication was on the Park Board agenda on December 7, 2023. Again, the parking area proposal is not part of this Special Use request but important to the overall flow of the development.

The project is bordered by City of Norman Parkland known as Wildwood Greenbelt, part of a system winding through the Hall Park Subdivision. The zoning surrounding the abutting Parkland is A-1, General Agricultural District (City of Norman property), and A-2, Rural Agricultural District, to the north and east, C-1, Local Commercial District, to the south, and R-1, Single-Family Dwelling District, to the west, across 24th Ave NE.

Section 36-547, Exterior Appearance, requires any institutional or nonresidential special use have all exterior walls constructed with masonry materials covering at least 80% of said walls, unless waived by City Council as part of the approval. The applicant is requesting a waiver from City Council for the masonry requirement for this proposed structure. Exterior elevations for the proposed structure are included in the packet.

The site will still comply with all relevant landscaping requirements. The applicant intends to meet all applicable regulations and standards for the Special Use of a Church and any recommendations deemed necessary from the Planning Commission or City Council.

ALTERNATIVES/ISSUES:

IMPACTS:

Development of a student center and gymnasium on this site would not be detrimental to the surrounding uses due to the anticipated traffic patterns generated by the use; the building will be used mostly on the weekends with occasional weekday operations. It will not be more intense than the existing use.

OTHER AGENCY COMMENTS:

FIRE DEPARTMENT AND BUILDING PERMIT REVIEW: Items regarding fire hydrants, fire and building codes will be considered at the building permit stage. The plan review staff have already been in touch with the architect.

PUBLIC WORKS: The subject property is part of Hall Park, Section 4.

TRAFFIC ENGINEER: No traffic issues or impacts are anticipated.

UTILITIES: Water and sewer are currently being utilized on the property.

CONCLUSION: Staff forwards this request for amendment of a Special Use for a Church, Temple, or Other Place of Worship, and a Waiver to the Exterior Appearance requirement as Ordinance O-2425-21 for consideration by City Council.

PLANNING COMMISSION RESULTS: At their Special Meeting of February 3, 2025, Planning Commission recommended adoption of Ordinance O-2425-21 by a vote of 7-0.

O-2425-21

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A CHURCH, TEMPLE, OR OTHER PLACE OF WORSHIP WITH A WAIVER OF SECTION 36-547(A)(4) PERTAINING TO EXTERIOR APPEARANCE IN THE R-1, SINGLE-FAMILY DWELLING DISTRICT FOR LOT ONE (1), IN BLOCK SEVENTEEN (17), OF HALL PARK FOURTH ADDITION OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1501 24TH AVE NE)

- § 1. WHEREAS, Wildwood Community Church, Inc. has made application to have Special Use for a Church, Temple, or other place of Worship on the property described below in the R-1, Single-Family Dwelling District; and
- § 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing on February 3, 2025 as required by law, considered the same and recommended that the same should be granted and an ordinance adopted to effect and accomplish such rezoning; and
- § 3. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

- § 4. That Section 36-201 of the Code of the City of Norman, Oklahoma, is hereby amended so as to grant Special Use for a Church, Temple, or other place of Worship in the R-1, Single-Family Dwelling District, for the following described property, to wit:

Lot One (1), in Block Seventeen (17), of HALL PARK FOURTH ADDITION, to the Town of Hall Park, Cleveland County, Oklahoma, according to the recorded plat thereof.

Less & Except the following three (3) Parcels

Parcel 1

Commencing at the Northwest corner of said Lot 1, Block 17; thence North 90°00'00" East, along the North line of said Lot 1, Block 17, a distance of 45.00 feet to the Point of Beginning; thence continuing North 90°00'00" East, along the North line of said Lot 1, Block 17, a distance of 179.16 feet; thence South 60°00'00" East, along the Northeasterly line of said Lot 1, Block 17, a distance of 347.38 feet; thence South 30°00'00" East, along the Easterly line of said Lot 1, Block 17, a distance of 60.00 feet; thence North 60°00'00" West, parallel with the Northeasterly line of said Lot 1, Block 17, a distance of 228.83 feet; thence North 00°45'59" East a distance of 13.99 feet; thence North 89°14'01" West a distance of 25.00 feet; thence North 60°00'00" West, parallel with the Northeasterly line of said Lot 1, Block 17, a distance of 63.82 feet; thence South 90°00'00" West, parallel with the North line of said Lot 1, Block 17, a distance of 212.74 feet; thence North 45°00'00" West a distance of 26.88 feet; thence North 00°00'00" East, parallel with the West line of said Lot 1, Block 17, a distance of 46.00 feet to the Point of Beginning.

Parcel 2

Beginning at the Southeast corner of said Lot 1, Block 17; thence South 90°00'00" West, along the South line of said Lot 1, Block 17, a distance of 192.13 feet; thence North 00°00'00" East, parallel with the West line of said Lot 1, Block 17, a distance of 209.42 feet; thence North 22°21'24" West a distance of 65.78 feet; thence North 13°04'03" West a distance of 60.93 feet; thence North 00°00'00" East, parallel with the West line of said Lot 1, Block 17, a distance of 70.36 feet to a point on the Easterly line of said Lot 1, Block 17; thence South 30°00'00" East, along the Easterly line of said Lot 1, Block 17, a distance of 461.85 feet to the Point of Beginning.

Parcel 3

Beginning at the Southwest corner of said Lot 1, Block 17; thence North 00°00'00" East, along the West line of said Lot 1, Block 17, a distance of 100.00 feet; thence North 90°00'00" East, parallel with the South line of said Lot 1, Block 17, a distance of 366.00 feet; thence South 45°17'06" East a distance of 142.13 feet to a point on the South line of said Lot 1, Block 17; thence South 90°00'00" West, along the South line of said Lot 1, Block 17, a distance of 467.00 feet to the Point of Beginning.

Containing 279,889.37 Sq. Ft. or 6.4253 Acres, more or less.

§ 5. Further, pursuant to the provisions of Section 36-560 of the Code of the City of Norman, as amended, the following conditions are hereby attached to the zoning of the tract:

- a. The site shall be developed in accordance with the Site Plan, and supporting documentation, which are made a part hereof.
- b. Buildings initially constructed on the site following the effective date of this Ordinance shall not be required to comply with the eighty (80) percent masonry requirements normally required for special uses.

§ 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

ADOPTED this _____ day of

NOT ADOPTED this _____ day of

_____, 2025.

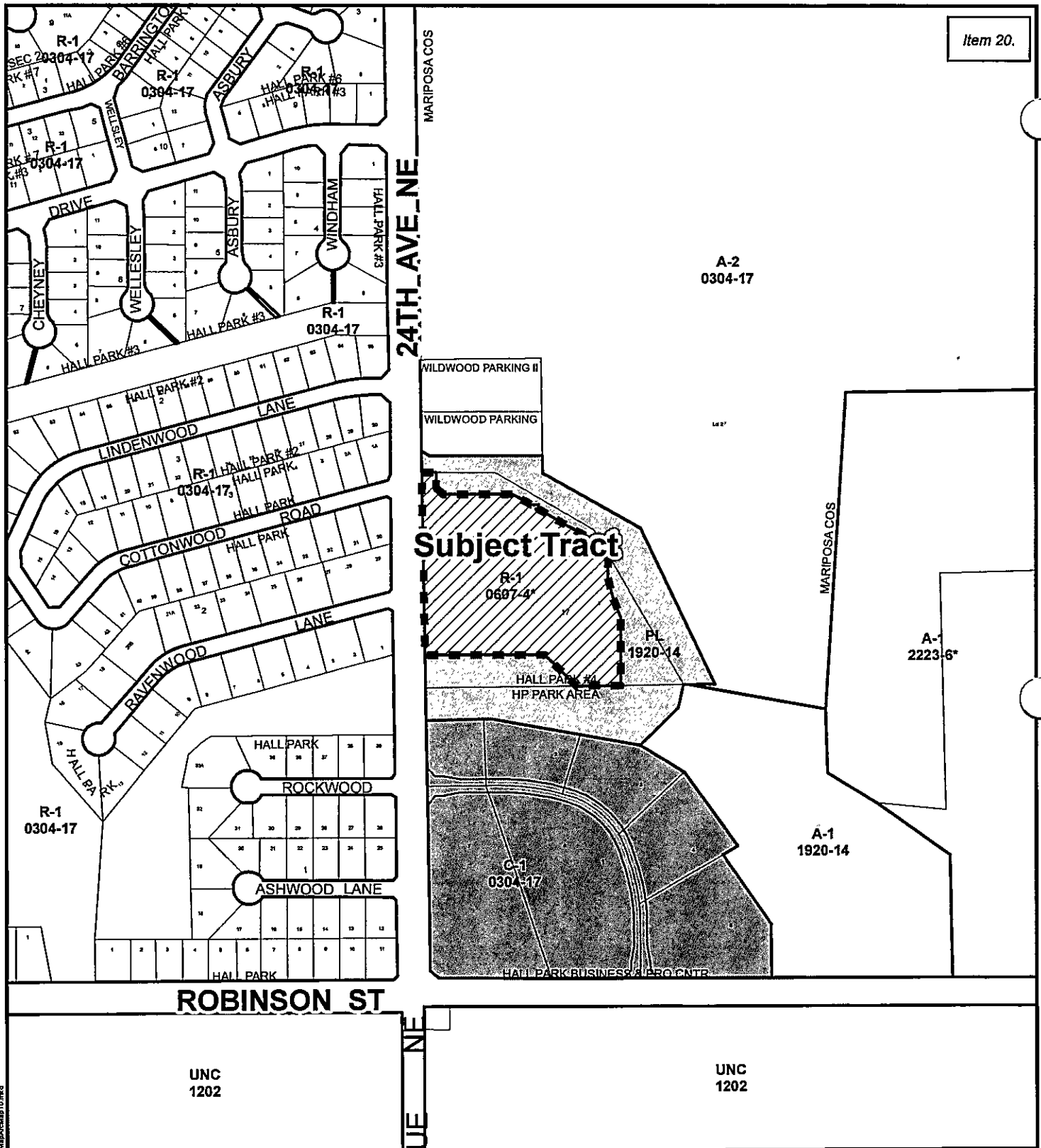
_____, 2025.

(Mayor)

(Mayor)

ATTEST:

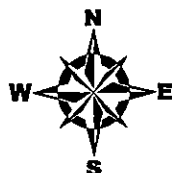
(City Clerk)



Location Map





Map Produced by the City of Norman
Geographic Information System.
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.



December 5, 2024

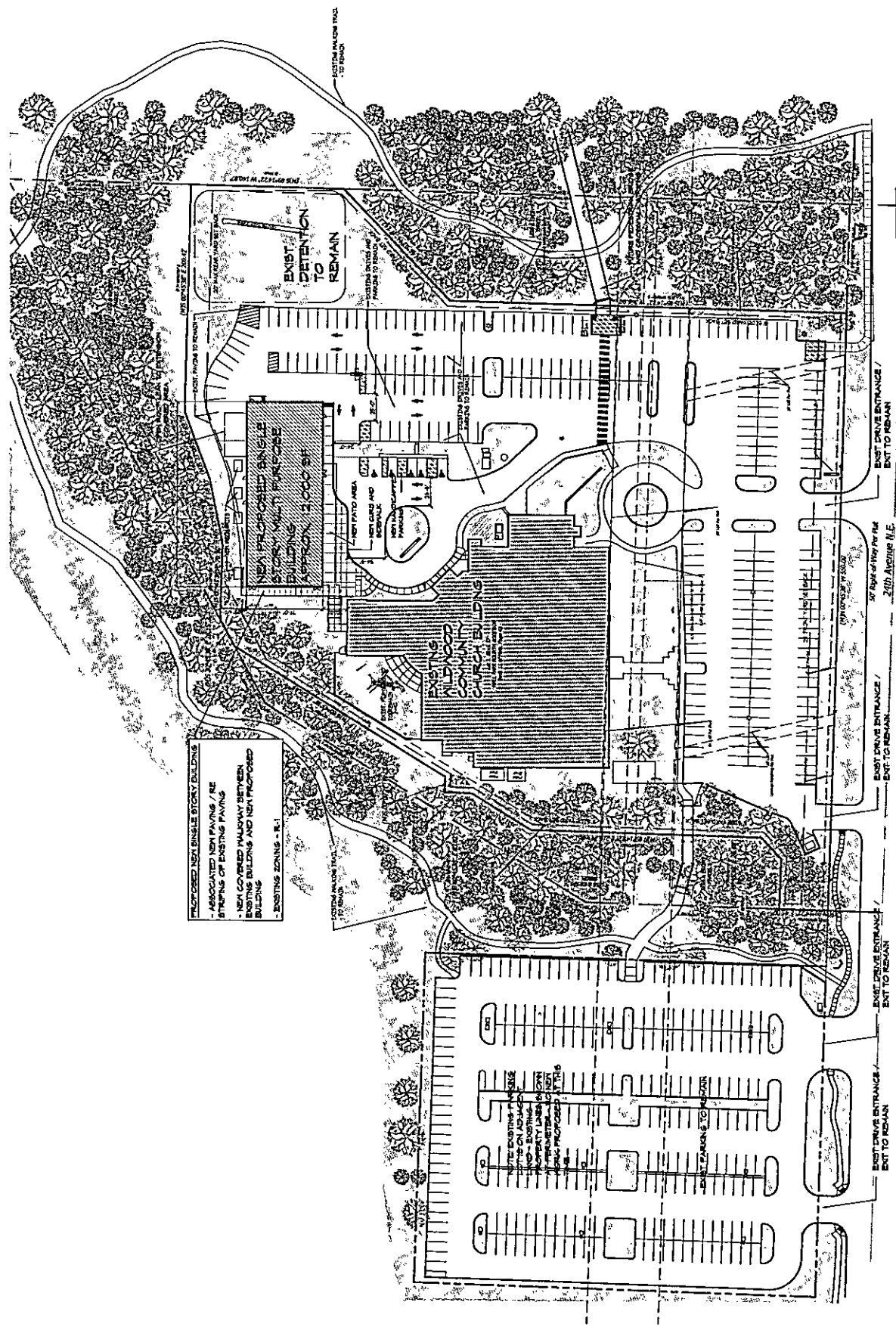
0 200 400 Ft.

 Subject Tract
 Zoning



PROPOSED SITE PLAN
SCALE: 1" = 40'

WILDWOOD COMMUNITY CHURCH MASTER PLAN CONCEPT December 13, 2024





December 2, 2024

City of Norman
Planning Department
225 N. Webster Ave
Norman, OK 73069

**RE: Special Use Condition of Approval
1501 24th Ave NE, Norman, OK**

Dear City of Norman,

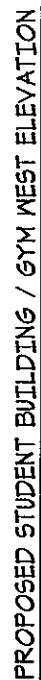
We represent the Applicant, Wildwood Community Church, Inc., in the pending Application for a Special Use Permit for Church on the property located at 1501 24th Ave NE, Norman, OK. The subject property is currently zoned R-1, Single Family Dwelling, with a Special Use Permit for Church. The Applicant intends to continue to use the subject property as a church and add an additional building to the site for the Church's use. The Applicant desires to move forward with the following Condition of Approval. The Condition of Approval will be a requirement and condition to be continually complied with by the Applicant and any successors in interest. The Condition of Approval is as follows:

Waiver from Masonry Material Requirement, City Ordinance Section 36-547(a)(4). The new building to be constructed and utilized by the Church shall not be required to be constructed with any masonry materials.

We respectfully request your support for this Special Use Application. Please let us know if you have any questions. We thank you for your consideration. Respectfully and best wishes,

Very Truly Yours,
RIEGER SADLER JOYCE LLC

GUNNER B. JOYCE
Attorney at Law



SCALE: 3/16" = 1'-0"

WILDWOOD COMMUNITY CHURCH

MASTER PLAN CONCEPT

December 13, 2024



Norman Board of Parks Commissioners
December 7, 2023

Item 20.

The Norman Board of Parks Commissioners of the City of Norman, Cleveland County, State of Oklahoma, met in a Regular Session in the Executive Conference Room of the Norman Municipal Building, on the 7th day of December 2023 at 5:30 p.m., and notice of the agenda of the meeting were posted at the Municipal Building at 201 West Gray and on the City website at least 24 hours prior to the beginning of the meeting.

ROLL CALL

Present: Chair Wright and Commissioners Davison, Isacksen, Ross, Sallee, Sheriff, and Usry

Absent: Commissioners Moxley and One Vacancy

City Officials

Present: Jason Olsen, Director of Parks and Recreation
James Briggs, Park Development Manager
Veronica Tracy, Recreation Manager
Wade Thompson, Parks Manager
Bethany Grissom, Park Planner
Mitchell Richardson, Recreation Supervisor
Karla Sitton, Administrative Technician IV

ITEM 1, being:

CONSIDERATION OF APPROVAL, REJECTION, AMENDED AND/OR POSTPONEMENT OF
MINUTES FROM OCTOBER 5, 2023, PARK BOARD MEETING

Commissioner Isacksen made the motion, and Commissioner Ross seconded to approve the October 5, 2023, Park Board minutes. The vote was taken with the following results:

YEAH: Chair Wright and Commissioners Davison, Isacksen, Ross, Sallee, Sheriff, and Usry

NAY: None

ITEM 2, being:

CONSIDERATION OF APPROVAL, REJECTION, AMENDED AND/OR POSTPONEMENT OF
PREVIOUSLY APPROVED COUNCIL ACTIONS

Mr. Jason Olsen, Director of Parks and Recreation, highlighted the previously approved Council actions pertaining to the Parks and Recreation Department.

The previously approved Council actions are as follows:

- Rebate payment in the amount of \$348 from Pepsi Bev Co to the City for the exclusive sale of Pepsi products at Westwood Golf and WWFAC
- Contract K-2324-74 is between the City & Center for Children and Families to operate the Boys & Girls Club Programming at the Reaves Park Center.
- Resolution R-2324-80, transferring \$37,609.76 from Reimbursements-Refunds-Miscellaneous General Account to be used for the Senior Wellness Center Project.
- Resolution R-2324-52, creating an Ad Hoc Steering Committee to work with consultants in the creation of the City's Area and Infrastructure Master Plan (AIM Norman) to name a replacement for a Steering Committee Member, acknowledging the addition of Parks and Recreation Plan, adding the list of partners, clarifying the process of selection of subcommittee members and setting attendance requirements
- Proclamation P-2324-17, commending City Employees and Department Coordinators for their generosity and leadership in the 2023 United Way of Norman Charity Campaign

ITEM 3, being:

CONSIDERATION OF APPROVAL, REJECTION, AMENDED AND/OR POSTPONEMENT OF LAND
OR FEE IN LIEU OF PARKLAND FOR THE UNIVERSITY NORTH PARK ENTERTAINMENT
DISTRICT PUD ADDITION

Mr. James Briggs, Park Development Manager, said the University North Park Entertainment District (UNPED) Addition PUD is located north of Rock Creek Road, between I-35 and 24th Avenue NW. This preliminary plat includes a large sports arena and many associated commercial developments in the southern half of the property. The northern half comprises a mix of residential uses, totaling 97 single-family lots and 750 multi-family housing units. At this density, the addition would generate a public parkland dedication of 3.9541 acres, and private park development would be twice the public amount, or 7.9082 acres. A private park decision would generate \$63,525 in Community Park Fees.

Mr. Briggs said the developer would like to pursue a private park decision and has asked the City to consider only the open space available throughout the residential northern half of the development to satisfy this requirement. These spaces total 7.94 acres, including the open area around the neighborhood clubhouse property and the land shown as open/green in several large traffic islands, undeveloped odd-shaped lots, easements, and walking spaces around the proposed ponds.

The developer's proposal includes walking trails, landscaped seating areas, picnicking spaces, and the clubhouse mentioned above, with usable land around that amenity. The developer also proposed an additional 9.1 acres of green space in the development's southern half, including shade seating, walking paths (around the ponds and connecting to the different use zones), and outdoor urban-style festival spaces around the arena.

Staff recommends a private park decision for the UNPED Addition PUD, provided that a combination of active and passive space is included in the planning of the private parkland. Commissioner Isacksen asked for clarification on whether only the north part of the land/plat is being considered for parkland. Mr. Briggs said the south part of the land/plat is not driving the parkland decision, and no residential area is being proposed south of Radius Way.

Commissioner Usry made the motion, and Commissioner Isacksen seconded approving and accepting a private parkland decision with 7.908 access for the University North Park Entertainment District Addition PUD. The vote was taken with the following results:

YEAH:	Chair Wright and Commissioners Davison, Isacksen, Ross, Sallee, Sheriff, and Usry
NAY:	None

ITEM 4, being:

CONSIDERATION OF APPROVAL, REJECTION, AMENDED AND/OR POSTPONEMENT OF LAND
OR FEE IN LIEU OF PARKLAND FOR THE SOONER VILLAGE ADDITION PUD

Mr. James Briggs, Park Development Manager, said the Sooner Village Addition PUD is located at the southwest corner of the intersection of State Highway 9 and Jenkins Avenue. He said this preliminary plat includes a variety of uses, including a gas/convenience store at the highway intersection, areas of mixed commercial space, self-storage units, office/warehouse area, a hotel, and some residential properties that are a mix of townhomes, apartments, and duplexes. A total of 211 units is proposed, generating a public parkland dedication requirement of 0.9337 acres at this density. A private park development would be twice the public amount, or 1.8674 acres, and generate \$15,825 in Community Park Development Fees.

Mr. Briggs said the developer would like to pursue a private park decision and has shown several acres of open space and/or private parkland on the preliminary plat that could satisfy this request. These areas will have walking trails, outdoor sports, playgrounds, and picnic areas. The developer will be required to provide proof of all park development costs equal to or greater than that which the City would have collected in park fees when

building permits are issued in the future. This PUD is in an area isolated from other public parks to a large extent. The nearest park is Eagle Cliff; however, no sidewalk or street leads to that neighborhood without traveling along Highway 9 for most of the route. Any funds used to improve Eagle Cliff would not be readily accessible to the Sooner Village Addition PUD residents.

Mr. Briggs said staff favors a private park decision for the Sooner Village Addition PUD, provided that a combination of active and passive space is included in the planning of private parkland. Commissioner Ross asked whether the tree line could be cut down along Bishop Creek, and Mr. Briggs said no, it would stay as is. Commissioner Isacksen asked who would ensure the developer complies with proof of all park development cost requirements. Mr. Briggs said the developer will provide a plan and submit bonds (maintenance and statutory bonds), and staff will inspect and return the bonds once they are completed. He said the developer/builder cannot obtain Certificates of Occupancy for residential building permits if they do not comply with the requirement(s).

Commissioner Davison made the motion, and Commissioner Sallee seconded to approve and accept a private parkland decision for the Sooner Village Addition PUD. The vote was taken with the following results:

YEAH: Chair Wright and Commissioners Davison, Moxley, Ross, Sallee, Sheriff, and Usry
NAY: None

Chair Wright requested to move to item #6 as a courtesy to applicants who are present.

ITEM 6, being:

CONSIDERATION OF APPROVAL, REJECTION, AMENDED AND/OR POSTPONEMENT OF A
WILDWOOD COMMUNITY CHURCH BRIDGE REQUEST IN THE HALL PARK GREENBELT

Mr. Mark Robinson, Pastor at Wildwood Community Church (Wildwood), introduced himself and Toni Bragg with the McKinney Partnership Architects to the Board. Mr. Robinson said in 2007, Wildwood entered a land exchange with the City of Norman Parks and Recreation Department. The Church transferred property located on the east and south sides of the church property that abuts up to the existing greenbelt (totaling 102,176 sq. ft.), and in return, the City transferred City property north of the existing church building and greenbelt area (totaling 49,580 sq ft). This exchange would allow the City to expand the existing greenbelt and allow Wildwood Community Church to build a much-needed parking lot. In 2008, Wildwood built a wood pedestrian bridge that connected their new parking lot to the church campus. Mr. Robinson said Wildwood would like to construct a second pedestrian bridge to connect a new parking lot area to the Wildwood campus better. He said the proposed bridge would be built over the existing greenbelt trail and have double columns to minimize impact to waterflow. Mr. Robinson noted Wildwood would also like permission to construct a new sidewalk along 24th Avenue from the parking lots to the south that would connect to the trail/walk and continue north to Wildwood Campus. He showed the Board a site plan of the existing bridge, proposed a new bridge, and proposed a new sidewalk. Mr. Bragg said the new sidewalk will connect the neighborhood to the trail systems in Hall Park. Commissioner Davison asked who would maintain the bridge, and staff said Wildwood would be responsible. Commissioner Isacksen asked if the newly proposed bridge would be twice the size of the existing bridge, and Mr. Robinson said yes.

Commissioner Usry made the motion, and Commissioner Davison seconded to recommend granting the easement to Wildwood Community Church to allow the construction of a new pedestrian bridge to their campus and a new sidewalk along 24th Avenue that will connect the neighborhood to the Hall Park trail system. The vote was taken with the following results:

YEAH: Chair Wright and Commissioners Davison, Moxley, Ross, Sallee, Sheriff, and Usry
NAY: None

Chair Wright went back to Item #5.

ITEM 5, being:

CONSIDERATION OF APPROVAL, REJECTION, AMENDED AND/OR POSTPONEMENT OF AN
UPDATE REGARDING THE YOUNG FAMILY ATHLETIC CENTER (YFAC) POLICY AND FEE
SCHEDULE

Mr. Jason Olsen, Director of Parks and Recreation, said the Council Business and Community Affairs Committee (BACA) recently discussed the Young Family Athletic Center (YFAC) Policy; however, discussions continue regarding the hours of operation and fee schedule. He said BACA requested staff removal or planning from policy, and the board agreed. Mr. Olsen said recent discussions regarding the YFAC hours of operation prompted the City to consider opening the facility on Sundays. He highlighted the proposed hours of operation to include the following:

Monday – Friday: 7:00 am – 9:00 pm
Saturday: 8:00 am – 6:00 pm
Sunday: 12:00 pm – 4:00 pm

Mr. Olsen said recent discussions also suggested the YFAC will have a minimum of one hundred (100) hours of community open gym/swim annually for Norman residents at no cost by opening the facility to the public during non-regular operating hours. Commissioner Ross asked whether the 100 hours would be random or somewhat regular, and staff said the YFAC would be scheduled well ahead of time so that the random hours would be scheduled monthly.

Mr. Olsen updated the Community Partners agreements with the Norman Optimist Club, Norman Public Schools, and Sooner Swim Club Rise Volleyball. He said the Council will consider a contract on December 12th with Beanstalk Coffee and Sno (Beanstalk) as the exclusive Food and Beverage provider inside the YFAC. He said Beanstalk's hours of operation will match the hours of operation for the YFAC, and they will have complete control of the menu. Mr. Olsen said the City has also been discussing a contract with the Trae Young Family Foundation to operate the Adidas store located in the YFAC.

Commissioner Sallee made the motion, and Commissioner Davison seconded to recommend the Operating Hours and Serviceability of the YFAC Policy to state the Parks and Recreation Department commits to having the center available for passive activities at an average of 70 hours per week (removing or planned per BACA request) and include a minimum one hundred (100) hours of community open gym/swim annually for Norman residents at no cost by opening the facility to the public during non-regular operating hours. The vote was taken with the following results:

YEAH: Chair Wright and Commissioners Davison, Moxley, Ross, Sallee, Sheriff, and Usry
NAY: None

ITEM 7, being:

ANNUAL PRESENTATION FROM THE WESTWOOD FAMILY AQUATIC CENTER

Ms. Veronica Tracy, Recreation Manager, highlighted the annual Westwood Family Aquatic Center (WWFAC) annual report. She said attendance for the 2023 season was as follows: 14,538 Aquatic Programs, 2,372 Special Events, 112,942 Open Swim, and 790 Rentals for a total season attendance of 130,642, just up from last year's 129,879. Ms. Tracy said 7,546 Season Passes were purchased, 2,322 Swim Lessons were bought, and WWFAC provided 2,120 scholarships.

Ms. Tracy said the 2023 WWFAC revenue was \$1,022,583.08, up slightly from 963,214.77 in 2022. She said the revenue includes season pool passes, swim lessons, gate admission, concession sales, special events, lockers, rentals, classes, and merchandise. Ms. Tracy said the staff is considering giving season pass holders free lockers for 2024. Chair Wright asked where the WWFAC revenue goes, and Staff said it goes to the Westwood Fund

Ms. Tracy said the City hires over 140 seasonal employees at the WWFAC each summer. She said WWFAC has a fantastic team; most are rehires from previous seasons. She highlighted the aquatic program and said the Teen Aquatic Safety Program was new and worked very well. She said teens, 13 to 15 years old, participate in the Aquatic Safety Program, and then they can enter WWFAC without an adult; otherwise, they cannot enter WWFAC without a parent/adult. Ms. Tracy said WWFAC offers several different events for families and adults and noted that over 2,000 participated in the summer of 2023, including Free Scuba Lessons in partnership with Warriors for Freedom and Blue Water Dive Shop and an Inclusive Swim in partnership with Sooner Success.

Ms. Tracy said future WWFAC projects that could be funded through a capital project and/or bond project include installing eight Private Cabanas and a Flow Rider. She told me the cabanas could accommodate half-day or whole-day rentals, and the Return on Investment (ROI) would be about two seasons. The Flow Rider is a surf simulator that would be an investment for the WWFAC and not an ROI; however, it is the only attraction that revenue can be built around, i.e., Flow Rider birthday parties, private lessons, and/or special events.

The Board acknowledged the report.

ITEM 8, being:

NORMAN FORWARD UPDATE

Mr. Jason Olsen, Director of Parks and Recreation, gave an update on the Norman Forward Projects.

Young Family Athletic Center

Mr. Olsen said the second asphalt layer was added to the parking lot, parking stripes will be painted soon, and landscaping has begun. He said the pool would be quickly plastered, and the electricity was being finished. Mr. Olsen said the basketball courts have been installed and look fantastic, and the scoreboards will be mounted soon. He showed pictures depicting the progress and said the ribbon cutting is still scheduled for February 19, 2024.

Adult Wellness and Education Center

Mr. Olsen said the ribbon cutting was held on November 13th at the Adult Wellness and Education Center (AWE) and exceeded all expectations. He told the AWE already has 900 members, and the 1,000th member will get a prize.

Reaves Park

Mr. Olsen said the latest Norman Forward quality-of-life initiative through public art was unveiled at Reaves Park on December 5. He said "Mechan 14", a 15-foot robot sculpture by artist Tyler Fuqua, is the first giant robot in Norman and offers a dynamic presence in the park. He said the giant robot has interchangeable parts that allow it to transform from a Home Run Mechan with a baseball bat to a Bold Knight Mechan with a sword.

ITEM 9, being:

DIVISIONAL UPDATES

Ms. Veronica Tracy, Recreation Manager, said the Andrews Park Community Tree Lighting is tomorrow, December 8th. She said festivities would begin at 5:30 pm, and participants could enjoy hot cocoa and holiday music while waiting on the tree lighting at dark. Winterfest at Legacy Park is on December 9th at 5:30 p.m. Talk of the Town will perform holiday classics, little ones can have their picture taken with Santa and a fireworks extravaganza will take place at 7:00 p.m. Ms. Tracy said the Annual Ugly Sweater Run is on December 10th at Legacy Park. Runners can run or walk the 3K and are encouraged to wear their favorite seasonal sweater.

Commissioner Saltee left the meeting at 7:02 p.m.

Park Board Meeting
Page 6 of 6
December 7, 2023

Ms. Tracy said the YFAC basketball registration is open, and the Daddy Daughter Dance (DDD) and Mom Prom tickets are on sale. The DDD is on February 10th at Embassy Suites, and the Mom Prom is on May 4th at The Noun.

Mr. James Briggs, Park Development Manager, said work continues on the pickleball courts at Bentley Park. He said playground bids for Sunrise and Falls Lakeview Parks and a new restroom building at Reaves Park had gone out. Mr. Briggs said staff will present the Andrews Park Master Plan at a Council Study Session on December 6th, and the Council will consider approving the Master Plan at a January Council meeting.

Mr. Wade Thompson, Parks Manager, said Park Maintenance Staff has been assisting with projects at the YFAC, helping with all the upcoming holiday events, removing trees on City property, replacing a tin horn at Saxon Park, and doing fence maintenance at the Andrews Park Skate Park.

Mr. Wade Thompson, Parks Manager, said staff is helping assist with the Parks and Recreation Division events and continue to install the annual Christmas Lights throughout the City.

MISCELLANEOUS DISCUSSION

Mr. Jason Olsen, Director of Parks and Recreation, said the Norman Public Library Central branch closed November 13th after officials were made aware that mold was found at the facility. After investigating, contractors discovered several areas of mold on each library floor from water intrusion potentially stemming from roof and envelope issues. Mr. Olsen said the Central Library will remain closed for five months while Cavins Group (a company specializing in disaster response) assists with mold remediation. He said the City is hiring a building envelope consultant to help determine the underlying cause of the mold growth.

PUBLIC COMMENTS

None.

ADJOURNMENT

Chair Wright adjourned the meeting at 7:10 p.m.

Passed and approved this _____ of _____ 2024

Sherrel Sheriff, Chair

Applicant: Wildwood Community Church, Inc./Rieger Sadler and Joyce LLC.

Project Location: 1501 24th Avenue NE

Case Number: PD24-17

Time: 5:30 p.m.

Applicant Representative:

Wildwood Community Church
Rieger Sadler and Joyce LLC.
Herschel Thompson

Attendees:

None

City Staff:

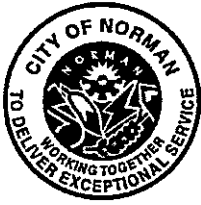
Kelly Abell, Planner I
Beth Muckala, City Attorney

Application Summary:

A request for Special Use for a Church, Temple, or Other Place of Worship with a Waiver to the Exterior Appearance requirements.

Neighbor's Comments/Concerns/Responses:

No neighbors attended this meeting.



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 01/09/2025

REQUESTER: Wildwood Community Church, Inc.

PRESENTER: Kelly Abell, Planner I

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-21: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A CHURCH, TEMPLE, OR OTHER PLACE OF WORSHIP WITH A WAIVER OF SECTION 36-547(a)(4) PERTAINING TO EXTERIOR APPEARANCE IN THE R-1, SINGLE-FAMILY DWELLING DISTRICT FOR LOT ONE (1), IN BLOCK SEVENTEEN (17), OF HALL PARK FOURTH ADDITION OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1501 24TH AVE NE)

APPLICANT/REPRESENTATIVE	Wildwood Community Church, Inc./Rieger Sadler and Joyce LLC.
LOCATION	1501 24 th Avenue NE
WARD	6
REQUESTED ACTION	Site Plan amendment for Special Use for a Church, Temple, or Other Place of Worship and Waiver to the Exterior Appearance Materials
LAND USE PLAN DESIGNATION	Institutional
GROWTH AREA DESIGNATION	Current Urban Service Area

BACKGROUND: This site is situated in the Hall Park Subdivision; the 6.67-acre parcel is currently home to the Wildwood Community Church. The subject property is currently zoned R-1, Single-Family Dwelling District, with Special Use for a Church, Temple or Place of Worship under Ordinance O-0607-04. The applicant is requesting to amend the existing approved site plan with the addition of a new accessory building/gymnasium; therefore, they must update the Special Use zoning for the site. The applicant intends to construct a 12,000 square foot student

center and gymnasium. The applicant has been informed that the project must meet all pertinent Zoning Ordinance requirements for commercial projects, including landscaping, building requirements, and commercial outdoor lighting standards.

PROCEDURAL REQUIREMENTS:

GREENBELT COMMISSION MEETING: This property is already platted; therefore, Greenbelt review is not a requirement for this request.

PRE-DEVELOPMENT:

PD24-17

December 19, 2024

No neighbors attended this meeting.

BOARD OF PARKS COMMISSIONERS: This zoning project does not require a Board of Parks Commissioners review for parkland dedication; however, due to a request from the church to dedicate to the City of Norman a pedestrian bridge that will cross parkland, this item was reviewed by Parks Commissioners at their December 7, 2023 meeting. See Item 6 in the attached Park Board minutes for additional information.

ZONING ORDINANCE CITATION: A Special Use request shall be reviewed and evaluated on the following criteria according to Sec. 36-560, Special Uses:

1. Conformance with applicable regulations and standards established by the Zoning Regulations.
2. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.
3. Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use. (NOTE: Throughout this Section, "Permitted Use" means any use authorized as a matter of right under the applicable zoning district.)
4. Modifications to the site plan which would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulations and standards and to protect the public health, safety, morals, and general welfare.
5. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed "Special Use" and other uses authorized and anticipated in the area, considering existing zoning and land uses in the area.
6. That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed "Special Use" with existing or permitted uses in the surrounding area.

STAFF ANALYSIS: The applicant proposes to construct a 12,000 square foot student center and gymnasium, in conjunction with the continued use of the church. The proposed building will be placed south and east of the existing church building. The addition of the proposed building will result in a net loss of sixty-nine parking spaces. The applicant is restriping and rearranging the accessible parking spaces directly west of the proposed building. Through a separate application, not part of this zoning request, the applicant is proposing to add an additional off-street parking area located south of the subject property. This new parking area consists of 115 parking spaces with a pedestrian bridge that allows passage through the adjacent parkland, the bridge will be donated to the City of Norman as an improvement and will be open to the public. As noted above, the pedestrian bridge proposal/dedication was on the Park Board agenda on December 7, 2023. Again, the parking area proposal is not part of this Special Use request but important to the overall flow of the development.

The project is bordered by City of Norman Parkland known as Wildwood Greenbelt, part of a system winding through the Hall Park Subdivision. The zoning surrounding the abutting Parkland is A-1, General Agricultural District (City of Norman property), and A-2, Rural Agricultural District, to the north and east, C-1, Local Commercial District, to the south, and R-1, Single-Family Dwelling District, to the west, across 24th Ave NE.

Section 36-547, Exterior Appearance, requires any institutional or nonresidential special use have all exterior walls constructed with masonry materials covering at least 80% of said walls, unless waived by City Council as part of the approval. The applicant is requesting a waiver from City Council for the masonry requirement for this proposed structure. Exterior elevations for the proposed structure are included in the packet.

The site will still comply with all relevant landscaping requirements. The applicant intends to meet all applicable regulations and standards for the Special Use of a Church and any recommendations deemed necessary from the Planning Commission or City Council.

ALTERNATIVES/ISSUES:

IMPACTS:

Development of a student center and gymnasium on this site would not be detrimental to the surrounding uses due to the anticipated traffic patterns generated by the use; the building will be used mostly on the weekends with occasional weekday operations. It will not be more intense than the existing use.

OTHER AGENCY COMMENTS:

FIRE DEPARTMENT AND BUILDING PERMIT REVIEW: Items regarding fire hydrants, fire and building codes will be considered at the building permit stage. The plan review staff have already been in touch with the architect.

PUBLIC WORKS: The subject property is part of Hall Park, Section 4.

TRAFFIC ENGINEER: No traffic issues or impacts are anticipated.

UTILITIES: Water and sewer are currently being utilized on the property.

CONCLUSION: Staff forwards this request for amendment of a Special Use for a Church, Temple, or Other Place of Worship, and a Waiver to the Exterior Appearance requirement as Ordinance O-2425-21 for consideration by Planning Commission and recommendation to City Council.

Wildwood Community Church Special Use

Item 20.

6. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2425-21: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 36-201 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A CHURCH, TEMPLE, OR OTHER PLACE OF WORSHIP WITH A WAIVER OF SECTION 36-547(a)(4) PERTAINING TO EXTERIOR APPEARANCE IN THE R-1, SINGLE-FAMILY DWELLING DISTRICT FOR LOT ONE (1), IN BLOCK SEVENTEEN (17), OF HALL PARK FOURTH ADDITION OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1501 24TH AVE NE)

ITEMS SUBMITTED FOR THE RECORD

1. Staff Report
2. Location Map
3. Waiver for Masonry Material Requirement
4. Master Plan
5. December 7, 2023 Park Board Meeting Minutes

Staff Presentation

Kelly Abell, Planner I, presented the staff report.

Applicant Presentation

Libby Smith, Representative of Applicant, presented on the proposed Special Use.

Public Comment

There were no public comments.

Commission Discussion

There was discussion regarding a pedestrian bridge from a Park Board meeting which is not part of this Special Use request.

Motion by Commissioner McDaniel to recommend approval of Ordinance O-2425-21; **Second** by Commissioner Kindel.

The motion passed unanimously with a vote of 7-0.